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# EXECUTIVE ORDERS

## EXECUTIVE ORDER EWE 94-14

WHEREAS: Federal Executive Order 12372 of July 14 1982 was issued to foster an intergovernmental partnership and a strengthened federalism by relying on state and local processes for the state and local government coordination and review of proposed federal financial assistance or direct federal development; and

WHEREAS: Executive Order 12372 provided states the opportunity to establish their own review and coordination procedures, which must be recognized by federal agencies; and

WHEREAS: a state's review process may cover all or only some activities, based on the priorities of state and local officials;

NOW, THEREFORE, I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: All U.S. Environmental Protection Agency programs and activities in Louisiana are selected for review.

SECTION 2: The secretaries of the Department of Environmental Quality, Department Agriculture and Forestry, and the Department of Health and Hospitals or their designees shall be designated to act as the state's single point of contact for coordinating the review process for U.S. E.P.A. financial assistance or direct Federal Development ONLY.

SECTION 3: In coordinating the review process, the Department of Environmental Quality, the Department of Agriculture, and the Department of Health and Hospitals shall notify all regional planning commissions of all statewide projects for informational purposes, receive their comments, and duly consider their comments. They shall not, however, be required to obtain any permission or approval from the Regional Planning Commission.

SECTION 4: This order shall take effect immediately upon my signature.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 22nd day of April, 1994.

Edwin W. Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

## EXECUTIVE ORDER EWE 94-15

WHEREAS: following the publication of Executive Orders EWE 94-2 and EWE 94-8, representatives of other agencies and organizations have assumed the duties and responsibilities of the Task Force on the Sexual Abuse of Minors; therefore EWE 94-2 and EWE 94-8 are rescinded to avoid unnecessary duplication of the endeavors of other statewide organizations.

NOW, THEREFORE, I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the state, do hereby rescind Executive Orders EWE 94-2 and EWE 94-8.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 3rd day of May, 1994.

Edwin W. Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

# POLICY AND PROCEDURE MEMORANDA

## POLICY AND PROCEDURE MEMORANDUM

Office of the Governor  
Division of Administration  
Office of the Commissioner

General Travel (LAC 4:V.1525-1565) (PPM No. 49)

Notice is hereby given that the Office of the Governor, Division of Administration hereby repeals LAC 4:V.1525-1565, General Travel Regulations as follows:

Title 4

### ADMINISTRATION

#### Part V. Policy and Procedure Memoranda

#### Chapter 15. General Travel Regulations - PPM No. 49

#### Subchapter A. Introduction

#### §1525. Methods of Transportation

Repeal.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR

7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

**§1527. Operation of Motor Vehicles on Official State Business**

Repeal.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

**§1529. State-owned Automobiles**

Repeal.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

**§1531. Personally-owned Vehicles**

Repeal.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

**§1533. Rented Motor Vehicles**

Repeal.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

**§1535. Transportation**

Repeal.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

**§1537. Lodging and Meals**

Repeal.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

**§1539. Lodging and Meals in High Cost and Extra High Cost Areas**

Repeal.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

**§1541. Out-of-State Conferences Lodging and Meals**

Repeal.

HISTORICAL NOTE: Written by the Office of the Governor,

Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

**§1543. Other Expenses**

Repeal.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

**§1545. Special Meals**

Repeal.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

**§1547. Restrictions Governing Claims for Reimbursement**

Repeal.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

**§1549. Receipts or Other Support**

Repeal.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

**§1551. Reimbursement for International Travel**

Repeal.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

**§1553. General Provisions**

Repeal.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

**§1555. Claims**

Repeal.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

**§1557. Extended Stays**

Repeal.

**HISTORICAL NOTE:** Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

### §1559. Emergency Travel

Repeal.

**HISTORICAL NOTE:** Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

### §1561. Authorized Persons

Repeal.

**HISTORICAL NOTE:** Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

### §1563. Fraudulent Claims

Repeal.

**HISTORICAL NOTE:** Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

### §1565. Waivers

Repeal.

**HISTORICAL NOTE:** Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15:823 (October 1989), repealed LR 20: (May 1994).

Raymond Laborde  
Commissioner of Administration

# EMERGENCY RULES

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

Bulletin 1868—BESE Personnel Manual  
(LAC 28:I.922)

The Board of Elementary and Secondary Education has exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B) and approved revised Bulletin 1868, BESE Personnel Manual for advertising. Revisions to

the manual were developed as a result of federal and state mandates, board action, or reworded for clarification as a result of using the manual. Bulletin 1868 is being re-adopted as an emergency rule, effective May 27, 1994, in order to continue the policies until finalized as a rule.

Included in Bulletin 1868, under Chapter D: Employee Compensation, Section 145: Vocational-Technical System is the Salary Schedule for Technical Institutes. This Section 145 of Bulletin 1868 supersedes the emergency rule relative to the Salary Schedule for Technical Institutes which appeared in the May, 1993 issue of the *Louisiana Register*, pages 597-604 as an emergency rule.

Copies of this bulletin have been provided to all entities under the jurisdiction of the Board of Elementary and Secondary Education and listed below:

1. each technical institute and regional management center;
2. BESE's special schools - Louisiana School for the Deaf, Louisiana School for the Visually Impaired, Louisiana Special Education Center;
3. each site operated by Special School District 1;
4. LA Association of Educators and LA Federation of Teachers.

Bulletin 1868, BESE Personnel Manual may be seen in its entirety in the Office of the Louisiana Register located on the Fifth Floor of the Capitol Annex, in the Office of the State Board of Elementary and Secondary Education, located in the Education Building in Baton Rouge, or in the Office of Vocational Education, or in the office of Special School District 1 located in the Department of Education.

Bulletin 1868 is referenced in the Administrative Code, Title 28, and is amended as stated below:

### Title 28

### EDUCATION

#### Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans

#### §922. Personnel Policies

##### A. Bulletin 1868

1. Revised Bulletin 1868, Personnel Manual of the Board of Elementary and Secondary Education is adopted by the board. Policies in this bulletin apply to personnel under the jurisdiction of the state board in the Board Special Schools; in the entities comprising Special School District 1, and in entities in the vocational-technical system, exclusive of the assistant superintendent for vocational education and related state department staff.

\* \* \*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(a)(10); R.S. 17:6(B); R.S. 17:7(10).

**HISTORICAL NOTE:** Amended by the Board of Elementary and Secondary Education, LR 20:

(It should be noted that the clause "exclusive of the central office staff" which appeared after Special School District 1 has been eliminated from the bulletin.)

Carole Wallin  
Executive Director

# DECLARATION OF EMERGENCY

## Department of Environmental Quality Office of Air Quality and Radiation Protection Radiation Protection Division

Radiation Protection  
(LAC 33:XV.Chapters 4, 5, and 10) (NE11E)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 30:2011, the secretary of the Department of Environmental Quality declares that an emergency action is necessary because of the requirements of the Nuclear Regulatory Commission to remain in compliance as an Agreement State. It is necessary for the department to adopt this emergency edit to LAC 33:XV, Chapters 4, 5, and 10, in order to remain in full compliance with recently enacted federal regulations concerning radiation protection.

The immediate impact of this edit to the existing rule is to enhance the level of public protection from radiation.

This emergency rule is effective May 1, 1994, and shall remain in effect for a maximum of 120 days or until a final rule is promulgated, whichever occurs first.

### Title 33

## ENVIRONMENTAL QUALITY

### Part XV. Radiation Protection

#### Chapter 4. Standards for Protection Against Radiation

##### Subchapter C. Surveys and Monitoring

#### §430. General

\* \* \*

[See Prior Text in A - A.2.c]

B. The licensee or registrant shall ensure that instruments and equipment used for quantitative radiation measurements, for example, dose rate and effluent monitoring, are calibrated at intervals not to exceed 12 months unless a more frequent interval is specified in another chapter.

\* \* \*

[See Prior Text in C - D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended LR 20:

### Chapter 4

#### Appendix B

#### Annual Limits on Intake (ALI) and Derived Air Concentrations (DAC) OF Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sanitary Sewerage

\* \* \*

[See Prior Text in Introduction - Table I "Occupational Values"]

#### Table II "Effluent Concentrations"

The columns in Table II of this Appendix captioned "Air" and "Water," are applicable to the assessment and control of dose to the public, particularly in the implementation of the provisions of LAC 33:XV.422. The concentration values given in Columns 1 and 2 of Table II are equivalent to the radionuclide concentrations which, if inhaled or ingested

continuously over the course of a year, would produce a total effective dose equivalent of 0.5 mSv (0.05 rem).

Consideration of nonstochastic limits has not been included in deriving the air and water effluent concentration limits because nonstochastic effects are presumed not to occur at or below the dose levels established for individual members of the public. For radionuclides, where the nonstochastic limit was governing in deriving the occupational DAC, the stochastic ALI was used in deriving the corresponding airborne effluent limit in Table II. For this reason, the DAC and airborne effluent limits are not always proportional as was the case in Appendix A of Part D of the eighth edition of Volume I of the Suggested State Regulations for Control of Radiation.

The air concentration values listed in Table II, Column 1 were derived by one of two methods. For those radionuclides for which the stochastic limit is governing, the occupational stochastic inhalation ALI was divided by  $2.4 \times 10^9$ , relating the inhalation ALI to the DAC, as explained above, and then divided by a factor of 300. The factor of 300 includes the following components: a factor of 50 to relate the 0.05 Sv (5 rem) annual occupational dose limit to the 1 Msv (0.1 rem) limit for members of the public, a factor of three to adjust for the difference in exposure time and the inhalation rate for a worker and that for members of the public; and a factor of two to adjust the occupational values, derived for adults, so that they are applicable to other age groups.

For those radionuclides for which submersion, that is external dose, is limiting, the occupational DAC in Table I, Column 3 was divided by 219. The factor of 219 is composed of a factor of 50, as described above, and a factor of 4.38 relating occupational exposure for 2,000 hours per year to full-time exposure (8,760 hours per year). Note that an additional factor of two for age considerations is not warranted in the submersion case.

The water concentrations were derived by taking the most restrictive occupational stochastic oral ingestion ALI and dividing by  $7.3 \times 10^7$ . The factor of  $7.3 \times 10^7$  (ml) includes the following components: the factors of 50 and 2 described above and a factor of  $7.3 \times 10^5$  (ml) which is the annual water intake of reference man.

Note 2 of this Appendix provides groupings of radionuclides which are applicable to unknown mixtures of radionuclides. These groupings, including occupational inhalation ALIs and DACs, air and water effluent concentrations and releases to sewer, require demonstrating that the most limiting radionuclides in successive classes are absent. The limit for the unknown mixture is defined when the presence of one of the listed radionuclides cannot be definitely excluded as being present either from knowledge of the radionuclide composition of the source or from actual measurements.

#### Table III "Releases to Sewers"

The monthly average concentrations for release to sanitary sewerage are applicable to the provisions in LAC 33:XV.462. The concentration values were derived by taking the most restrictive occupational stochastic oral ingestion ALI and dividing by  $7.3 \times 10^6$  (ml). The factor of  $7.3 \times 10^6$  (ml) is composed of a factor of  $7.3 \times 10^5$  (ml), the annual water

intake by reference man, and a factor of 10, such that the concentrations, if the sewage released by the licensee were the only source of water ingested by a reference man during a year, would result in a committed effective dose equivalent of 5 Msv (0.5 rem).

\* \* \*

[See Prior Text in List of Elements and Tables I, II, III - Note: 4 and Equation]

## Chapter 5. Radiation Safety Requirements for Industrial Radiographic Operations

### §501. Purpose

The regulations in this Chapter establish radiation safety requirements for persons utilizing sources of radiation for industrial radiography. The requirements of this Chapter are in addition to, and not in substitution for, applicable requirements of LAC 33:XV.Chapters 1, 2, 3, 4, 10, and 15.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

### §502. Scope

The regulations in this Chapter apply to all licensees or registrants who use sources of radiation for industrial radiography. Radiation machines and sealed radioactive sources are both covered by this Chapter, except for sections applicable only to sealed radioactive sources.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

### §503. Definitions

As used in this Chapter, the following definitions apply:

**Cabinet Radiography**—industrial radiography conducted in an enclosure or cabinet so shielded that every location on the exterior meets the conditions specified in LAC 33:XV.421 for an unrestricted area.

**Cabinet X-ray System**—an x-ray system with the x-ray tube installed in an enclosure (hereinafter termed *cabinet*) that, independently of existing architectural structures except the floor on which it may be placed, is intended to contain at least that portion of a material being irradiated, provides radiation attenuation, and excludes personnel from its interior during generation of x-radiation. Included are all x-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad, and bus terminals and in similar facilities. An x-ray tube used within a shielded part of a building, or x-ray equipment that may temporarily or occasionally incorporate portable shielding, is not considered a cabinet x-ray system.

**Certified Cabinet X-ray System**—a cabinet x-ray system that has been certified in accordance with 21 CFR 1010.2 as having been manufactured, assembled, and maintained pursuant to the provisions of 21 CFR 1020.40.

**Collimator**—a device used to limit the size, shape, and direction of the primary radiation beam.

**Enclosed Radiography**—industrial radiography conducted in an enclosed cabinet or room, including cabinet radiography and shielded room radiography.

**Industrial Radiography**—the examination of the macroscopic structure of materials by nondestructive methods utilizing sources of radiation to produce radiographic images.

**Instructor**—any individual who has been authorized by the division to provide instruction to radiographer trainees in accordance with LAC 33:XV.575.A.

**Lixiscope**—a portable light-intensified imaging device using a sealed source.

**Permanent Radiographic Installation**—an installation or structure designed or intended for radiography and in which radiography is regularly performed.

**Personal Supervision**—guidance and instruction provided to a radiographer trainee by an instructor who is physically present while sources of radiation are being used.

**Radiographer**—any individual who performs industrial radiographic operations and who is responsible to the licensee or registrant for assuring compliance with the requirements of LAC 33:XV and all license or registration conditions.

**Radiographer Trainee**—any individual who, under the personal supervision of an instructor, uses sources of radiation, related handling tools, or radiation survey instruments during the course of his or her instruction.

**Radiographic Exposure Device**—any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a shielded to unshielded position for purposes of making a radiographic exposure.

**Radiographic Personnel**—any radiographer, radiographer instructor, or radiographer trainee.

**Residential Location**—any area where structures in which people lodge or live are located, and the grounds on which such structures are located including, but not limited to, houses, apartments, condominiums, and garages.

**Shielded Position**—the location within the radiographic exposure device or storage container that, by manufacturer's design, is the proper location for storage of the sealed source.

**Shielded-room Radiography**—industrial radiography conducted in a room so shielded that every location on the exterior meets the conditions specified in LAC 33:XV.421 for an unrestricted area.

**Source Changer**—a device designed and used for replacement of sealed sources in radiographic exposure devices, including those source changers also used for transporting and storage of sealed sources.

**Storage Area**—any location, facility, or vehicle that is used to store, to transport, or to secure a radiographic exposure device, a storage container, or a sealed source when it is not in use and that is locked or has a physical barrier to prevent accidental exposure, tampering with, or unauthorized removal of the device, container, or source.

**Storage Container**—a device in which one or more sealed sources are transported or stored.

**Temporary Job Site**—any location where industrial radiography is performed other than the location(s) listed in a specific license or registration certificate for nonlicensed sources of radiation.



**Transport Container**—a package that is designed to provide radiation safety and security when sealed sources are transported and which meets all applicable requirements of the U.S. Department of Transportation.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

#### §504. Exemptions

A. Except for the requirements of LAC 33:XV.589.B and C, certified cabinet x-ray systems designed to exclude individuals from the interior of the cabinet are exempt from the requirements of this Chapter.

B. Industrial uses of lixiscopes are exempt from the requirements of this Chapter.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

#### §505 through §539. Reserved

#### Subchapter A. Equipment Control

#### §540. Limits on Levels of Radiation for Radiographic Exposure Devices and Storage Containers

Radiographic exposure devices measuring less than four inches (10 centimeters) from the sealed source storage position to any exterior surface of the device shall have no radiation level in excess of 50 milliroentgens ( $1.29 \times 10^{-5}$  C/kg) per hour at six inches (15 centimeters) from any exterior surface of the device. Radiographic exposure devices measuring a minimum of four inches (10 centimeters) from the sealed source storage position to any exterior surface of the device and all storage containers for sealed sources or outer containers for radiographic exposure devices shall have no radiation level in excess of 200 milliroentgens ( $5.16 \times 10^{-5}$  C/kg) per hour at any exterior surface and 10 milliroentgens ( $2.58 \times 10^{-6}$  C/kg) per hour at one meter from any exterior surface. The radiation levels specified are with the sealed source in the shielded position.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

#### §541. Locking of Sources of Radiation

A. Each source of radiation shall be provided with a lock or lockable outer container designed to prevent unauthorized or accidental production of radiation or removal or exposure of a sealed source and shall be kept locked at all times except when under the direct surveillance of a radiographer or instructor or as may be otherwise authorized pursuant to LAC 33:XV.585. Each storage container likewise shall be provided with a lock and shall be kept locked when containing sealed sources except when the container is under the direct surveillance of a radiographer or instructor.

B. Radiographic exposure devices and storage containers, prior to being moved from one location to another and also prior to being secured at a given location, shall be locked and

surveyed on all sides with an appropriate survey instrument to assure that the sealed source is in the shielded position.

C. During radiographic operations the sealed source shall be secured in its shielded position by manually locking the radiographic exposure device or source changer each time the sealed source is returned to its shielded position if no automatic source securing mechanism is incorporated in the design of the exposure device or source changer. A survey shall be performed to determine that the sealed source is in the shielded position pursuant to LAC 33:XV.587.B.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

#### §542. Storage Precautions

A. Locked radiographic exposure devices, source changers, storage containers, and radiation machines shall be physically secured to prevent tampering or removal by unauthorized personnel.

B. Radiographic exposure devices, source changers, or transport containers that contain radioactive material shall not be stored in residential locations. This requirement does not apply to storage of radioactive material in a vehicle in transit for use at temporary job sites, if the licensee complies with LAC 33:XV.542.C, and if the vehicle does not constitute a permanent storage location as described in LAC 33:XV.542.D.

C. If a vehicle is to be used for storage of radioactive material, a vehicle survey shall be performed after securing radioactive material in the vehicle and before transport to ensure that radiation levels do not exceed the limits specified in LAC 33:XV.421.A at the exterior surface of the vehicle.

D. A storage or use location is permanent if radioactive material is stored at the location for more than 90 days and any one or more of the following applies to the location:

1. telephone service is established by the licensee;
2. industrial radiographic services are advertised for or from the location; or
3. industrial radiographic operations are conducted at other sites due to arrangements made from the location.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

#### §543. Radiation Survey Instruments

A. The licensee or registrant shall maintain sufficient calibrated and operable radiation survey instruments to make physical radiation surveys as required by this Chapter and LAC 33:XV.430. Instrumentation required by this Section shall have a range such that two milliroentgens ( $5.16 \times 10^{-7}$  C/kg) per hour through one roentgen ( $2.58 \times 10^{-4}$  C/kg) per hour can be measured.

B. Each radiation survey instrument shall be calibrated:

1. at energies appropriate for use and at intervals not to exceed three months and after each instrument servicing;

2. such that accuracy within  $\pm 20$  percent can be demonstrated; and

3. at two points located approximately one-third and two-thirds of full-scale on each scale for linear scale instruments; at midrange of each decade, and at two points of at least one decade for logarithmic scale instruments; and according to the manufacturers procedures for digital instruments.

C. Records of these calibrations shall be maintained for two years after the calibration date for inspection by the division.

D. Each radiation survey instrument shall be checked with a radiation source at the beginning of each day of use and at the beginning of each work shift to ensure it is operating properly. Records of the inspections shall be maintained for two years.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

#### **§544. Leak Testing, Repair, Tagging, Opening, Modification, and Replacement of Sealed Sources**

A. The replacement of any sealed source fastened to or contained in a radiographic exposure device and leak testing, repair, tagging, opening, or any other modification of any sealed source shall be performed only by persons specifically authorized to do so by the administrative authority, the U.S. Nuclear Regulatory Commission, or any other agreement state.

B. Each sealed source shall be tested for leakage at intervals not to exceed six months. In the absence of a certificate from a transferor that a test has been made within the six-month period prior to the transfer, the sealed source shall not be put into use until tested.

C. The leak test shall be capable of detecting the presence of 0.005 microcurie (185 Bq) of removable contamination on the sealed source. An acceptable leak test for sealed sources in the possession of a radiography licensee would be to test at the nearest accessible point to the sealed source storage position, or other appropriate measuring point, by a procedure which has been approved pursuant to LAC 33:XV.326.E.5. Records of leak test results shall be kept in units of microcuries (becquerels) and maintained for inspection by the division for two years.

D. Any test conducted pursuant to LAC 33:XV.544.B and C that reveals the presence of 0.005 microcurie (185 Bq) or more of removable radioactive material shall be considered evidence that the sealed source is leaking. The licensee shall immediately withdraw the equipment involved from use and shall cause it to be decontaminated and repaired or to be disposed of in accordance with LAC 33:XV. Within five calendar days after obtaining results of the test, the licensee shall file a written report with the division describing the equipment involved, the test results, and the corrective action taken.

E. Each radiographic exposure device shall have permanently attached to it a durable label which has, as a minimum, the instruction: "Danger - Radioactive Material - Do Not Handle - Notify Civil Authorities if Found."

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

#### **§545. Quarterly Inventory**

Each licensee shall conduct a quarterly physical inventory to account for all sealed sources and licensed devices received or possessed under his or her license. The records of the inventories shall be maintained for inspection by the division for at least two consecutive years from the date of the inventory and shall include the quantities and kinds of radioactive material, the location of sealed sources, the date of the inventory, the name of individual(s) performing the inventory, the manufacturer, the model number, and the serial number.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

#### **§546. Utilization Logs**

Each licensee or registrant shall maintain current logs, which shall be kept available for inspection by the division for two consecutive years from the date of the recorded event, showing for each source of radiation the following information:

1. a unique identification, such as a serial number of each radiation machine, each radiographic exposure device in which the sealed source is located, and each sealed source;
2. the identity of the radiographer to whom the source is assigned;
3. the locations and dates of use; and
4. the date(s) each source of radiation is removed from storage and returned to storage.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

#### **§547. Inspection and Maintenance of Radiographic Exposure Devices and Storage Containers**

A. Each licensee or registrant shall ensure that checks for obvious defects in radiation machines, radiographic exposure devices, and associated equipment are performed and recorded prior to each day of use or work shift.

B. Each licensee or registrant shall conduct a program of at least quarterly inspection and maintenance of radiation machines, radiographic exposure devices, source changers, storage containers, and associated equipment to assure proper functioning of components important to safety. All appropriate parts shall be maintained in accordance with manufacturer's specifications. Records of inspection and maintenance shall be maintained for inspection by the division for two consecutive years from the date of the recorded event.

C. If any inspection conducted pursuant to LAC 33:XV.547.A or B reveals damage to components critical to

radiation safety, the device shall be removed from service and labeled as defective until repairs have been made.

D. Each licensee or registrant shall provide a written report to the division within 30 days of the occurrence of any of the following incidents involving radiographic equipment:

1. unintentional disconnection of the source assembly from the control cable;
2. inability to retract the source assembly to its fully shielded position and secure it in this position; and
3. failure of any component (critical to safe operation of the device) to properly perform its intended function.

E. The licensee or registrant shall include the following information in each report required by LAC 33:XV.547.D:

1. a description of the equipment problem;
2. cause of each incident, if known;
3. manufacturer and model number of equipment involved in the incident;
4. place, time, and date of the incident;
5. actions taken to establish normal operations;
6. corrective actions taken or planned to prevent recurrence; and
7. qualifications of personnel involved in the incident.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

#### §548. Permanent Radiographic Installations

Permanent radiographic installations having high-radiation area entrance controls of the type described in LAC 33:XV.436.A and B shall also meet the following requirements:

1. each entrance that is used for personnel access to the high radiation area shall have both visible and audible warning signals to warn of the presence of radiation. The visible signal shall be activated by radiation. The audible signal shall be activated when an attempt is made to enter the installation while the source is exposed; and
2. the control device or alarm system as described in LAC 33:XV.436.A and B shall be tested for proper operation at the beginning of each day of equipment use. If a control device or alarm system is operating improperly, it shall be immediately labeled as defective and repaired before industrial radiographic operations are resumed. Records of these tests shall be maintained for inspection by the division for two consecutive years from the date of the event or until disposition is authorized.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

#### §549. Vehicle Identification

The name of the licensee or registrant and the city or town where the licensee's or registrant's main business office is located shall be displayed with durable, clearly visible, and legible labels on the sides of all vehicles used at temporary job sites.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

#### §550. Performance Requirements for Radiography Equipment

Equipment serviced, maintained, or repaired by a licensee or registrant or used in industrial operations must meet the following minimum criteria:

1. each radiographic exposure device and all associated equipment must meet the requirements specified in American National Standard (ANSI) N432-1980 "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography," (published as NBS Handbook 136, issued January 1981);

2. in addition to the requirements specified in LAC 33:XV.550.A.1, the following requirements apply to radiographic exposure devices and associated equipment:

a. each radiographic exposure device must have attached to it, a durable, legible, clearly visible label bearing the following:

- i. chemical symbol and mass number of the radionuclide in the device;
- ii. activity and the date on which this activity was last measured;
- iii. model number and serial number of the sealed source;
- iv. manufacturer of the sealed source; and
- v. the licensee's name, address, and telephone number;

b. radiographic exposure devices intended for use as Type B transport containers must meet the applicable requirements of LAC 33:XV.Chapter 15; and

c. modification of any exposure devices and associated equipment is prohibited, unless the design of any replacement component, including source holder, source assembly, controls, or guide tubes would not compromise the design safety features of the system;

3. in addition to the requirements specified in LAC 33:XV.550.A.1 and 2, the following requirements apply to radiographic exposure devices and associated equipment that allow the source to be moved out of the device for routine operation:

a. the coupling between the source assembly and the control cable must be designed in such a manner that the source assembly will not become disconnected if extended outside the guide tube. The coupling must be such that it cannot be unintentionally disconnected under normal and reasonably foreseeable abnormal conditions;

b. the device must automatically secure the source assembly when it is retracted back into the fully shielded position within the device. This securing system may only be released by means of a deliberate operation on the exposure device;

c. the outlet fittings, lock box, and drive cable fittings on each radiographic exposure device must be equipped with safety plugs or covers which must be installed during storage

and transportation to protect the source assembly from water, mud, sand, or other foreign matter;

d. each sealed source or source assembly must have attached to it or engraved in it, a durable, legible, visible label with the words: "DANGER--RADIOACTIVE." The label must not interfere with the safe operation of the exposure device or associated equipment;

e. the guide tube must have passed the crushing tests for the control tube as specified in ANSI N432 and a kinking resistance test that closely approximates the kinking forces likely to be encountered during use;

f. guide tubes must be used when moving the source out of the device;

g. an exposure head or similar device designed to prevent the source assembly from passing out of the end of the guide tube must be attached to the outermost end of the guide tube during radiographic operations;

h. the guide tube exposure head connection must be able to withstand the tensile test for control units specified in ANSI N432;

i. source changers must provide a system for assuring that the source will not be accidentally withdrawn from the changer when connecting or disconnecting the drive cable to or from a source assembly; and

j. malfunction of any exposure device or associated equipment shall be reported to the division within 30 days of occurrence;

4. all newly manufactured radiographic exposure devices and associated equipment acquired by licensees or registrants after the effective date of these regulations must comply with the requirements of LAC 33:XV.550; and

5. all radiographic exposure devices and associated equipment in use after January 10, 1996, must comply with the requirements of LAC 33:XV.550.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

§551 through §574. Reserved

## Subchapter B. Personal Radiation Safety Requirements for Radiographers

### §576. Operating and Emergency Procedures

The licensee's or registrant's operating and emergency procedures shall include instructions in at least the following:

1. the handling and use of sources of radiation to be employed such that no individual is likely to be exposed to radiation doses in excess of the limits established in LAC 33:XV.Chapter 4;

2. methods and occasions for conducting radiation surveys;

3. methods for controlling access to radiography areas;

4. methods and occasions for locking and securing sources of radiation;

5. personnel monitoring and the use of personnel monitoring equipment, including steps that must be taken immediately by radiography personnel in the event a pocket dosimeter is found to be off scale;

6. transportation to field locations, including packing of sources of radiation in the vehicles, posting of vehicles and control of sources of radiation during transportation;

7. minimizing exposure of individuals in the event of an accident;

8. the procedure for notifying proper personnel in the event of an accident or unusual occurrence;

9. maintenance of records; and

10. the daily inspection and maintenance of radiographic exposure devices, radiation machines, associated equipment, survey meters, and personnel monitoring devices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

### §577. Personnel Monitoring Control

A. No licensee or registrant shall permit an individual to act as a radiographer, instructor, or radiographer trainee unless, at all times during radiographic operations, each such individual wears a direct-reading pocket dosimeter, an alarm ratemeter, and either a film badge or a thermoluminescent dosimeter (TLD), except that for permanent radiography facilities where other appropriate alarming or warning devices are in routine use, the wearing of an alarming ratemeter is not required.

B. Pocket dosimeters shall have a range of zero to at least 200 milliroentgens ( $5.16 \times 10^{-5}$  C/kg) and shall be recharged at least daily or at the start of each shift. Pocket dosimeters shall be checked for correct response to radiation at periods not to exceed one year. Acceptable dosimeters shall read within  $\pm 30$  percent of the true radiation exposure. Records of positive dosimeter response shall be maintained for two years by the licensee or registrant for division inspection.

C. Each film badge or thermoluminescent dosimeter shall be assigned to and worn by only one individual.

D. Pocket dosimeters shall be read and exposures recorded at least daily with use.

E. If an individual's pocket dosimeter is discharged beyond its range (i.e., goes "off-scale") industrial radiographic operations by that individual shall cease and the individual's film badge or TLD shall be processed immediately. The individual shall not return to work with sources of radiation until a determination of the radiation exposure has been made.

F. Records of the pocket dosimeter readings shall be maintained for inspection by the division for two consecutive years. If the dosimeter readings were used to determine external radiation dose, the records shall be maintained indefinitely or until the division authorizes their disposition.

G. If a film badge or TLD is lost or damaged, the worker shall cease work immediately until a replacement film badge or TLD is provided and the exposure is calculated for the time period from issuance to loss or damage of the film badge or TLD.

H. Each alarm ratemeter must:

1. be checked and recorded to ensure that the alarm functions properly (sounds) prior to use at the start of each shift;

2. be set to give an alarm signal at the preset dose rate of 500 millirems/hour;

3. require special means to change the preset alarm function; and

4. be calibrated at periods not to exceed one year for correct response to radiation: acceptable ratemeters must alarm within  $\pm 20$  percent of the true radiation dose rate. Records of calibrations will be maintained for two years.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

Subchapter C. Precautionary Procedures in Radiographic Operations §585. Security

During each radiographic operation, a radiographer or instructor shall maintain direct, visual surveillance of the operation to protect against unauthorized entry into a radiation area or high radiation area, as defined in LAC 33:XV. Chapter 1, except:

1. where the high radiation area is equipped with a control device or alarm system as described in LAC 33:XV.436.A; or

2. where the high radiation area is locked to protect against unauthorized or accidental entry.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

#### §586. Posting

Notwithstanding any provisions in LAC 33:XV.452, areas in which radiography is being performed shall be conspicuously posted as required by LAC 33:XV.451.A and B.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

#### §587. Radiation Surveys and Survey Records

A. No radiographic operation shall be conducted unless calibrated and operable radiation survey instrumentation, as described in LAC 33:XV.543, is available and used at each site where radiographic exposures are made.

B. A physical radiation survey shall be made after each radiographic exposure utilizing radiation machines or sealed sources to determine that the machine is "off" or that the sealed source has been returned to its shielded position. The entire circumference or perimeter of the radiographic exposure device shall be surveyed. If the radiographic exposure device has a source guide tube, the survey shall also include the entire length of the guide tube.

C. A physical radiation survey shall be made to determine that each sealed source is in its shielded position prior to securing the radiographic exposure device or storage container as specified in LAC 33:XV.541.

D. A survey shall be made of the storage area as defined in LAC 33:XV.503 whenever a radiographic exposure device is being placed in storage.

E. Records shall be kept of the surveys required by LAC 33:XV.587.C and D. Such records shall be maintained for inspection by the division for two consecutive years after completion of the survey. If the survey has been used to determine an individual's exposure, the records of the survey shall be maintained until the division authorizes their disposition.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

#### §588. Documents and Records Required at Temporary Job Sites

Each licensee or registrant conducting industrial radiography at a temporary job site shall have the following documents and records available at that job site for inspection by the division:

1. current copy of appropriate license, registration certificate, or other authorizing documents;

2. operating and emergency procedures;

3. applicable regulations;

4. survey records required pursuant to LAC 33:XV.472 and 587.D for the period of operation at the site;

5. daily pocket dosimeter records for the period of operation at the site; and

6. the latest instrument calibration and leak test records for specific devices and sealed sources in use at the site. Acceptable records include tags or labels which are affixed to the device or survey meter.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

#### §589. Special Requirements and Exemptions for Enclosed Radiography

A. Systems for enclosed radiography designed to allow admittance of individuals shall:

1. comply with all applicable requirements of this Chapter and LAC 33:XV.421, and if such system is a certified cabinet x-ray system, it shall comply with all applicable requirements of this Chapter and 21 CFR 1020.40; and

2. be evaluated at intervals not to exceed one year to assure compliance with the applicable requirements as specified in LAC 33:XV.589.A.1. Records of these evaluations shall be maintained for inspection by the division for a period of two consecutive years after the evaluation.

B. Enclosed x-ray systems designed to exclude individuals are exempt from the requirements of this Chapter except as follows:

1. operating personnel must be provided with either a film badge or a thermoluminescent dosimeter, and reports of the results must be maintained for inspection by the division;

2. no registrant shall permit any individual to operate an enclosed x-ray system until such individual has received a copy of and instructions in the operating procedures for the unit and has demonstrated competence in its use. Records that demonstrate compliance with this Section shall be maintained

for inspection by the division until disposition is authorized by the division;

3. tests for proper operation of high radiation area control devices or alarm systems, where applicable, must be conducted and recorded in accordance with LAC 33:XV.548; and

4. the registrant shall perform an evaluation, at intervals not to exceed one year, to determine conformance with LAC 33:XV.421. If such system is a certified x-ray system, it shall be evaluated at intervals not to exceed one year to determine conformance with 21 CFR 1020.40. Records of these evaluations shall be maintained for inspection by the division for a period of two consecutive years after the evaluation.

C. Certified cabinet x-ray systems shall be maintained in compliance with 21 CFR 1020.40 unless prior approval has been granted by the administrative authority pursuant to LAC 33:XV.103.A.

D. No registrant may modify a cabinet x-ray system without prior approval of the administrative authority pursuant to LAC 33:XV.103.A.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

#### **§590. Specific Requirements for Radiographic Personnel Performing Industrial Radiography**

A. At a job site, the following shall be supplied by the licensee or registrant:

1. at least one operable, calibrated survey instrument;
2. a current whole body personnel monitor (TLD or film badge) for each individual;
3. an operable, calibrated pocket dosimeter with a range of 0 to 200 milliroentgens ( $5.16 \times 10^{-5}$  C/kg) for each worker;
4. an operable alarm ratemeter which meets the requirements of LAC 33:XV.577.H for each individual; and
5. the appropriate barrier ropes and signs.

B. Industrial radiographic operations shall not be performed if any of the items in LAC 33:XV.590.A are not available at the job site or are inoperable.

C. Collimators shall be used in industrial radiographic operations that use crank-out devices except when physically impossible.

D. No individual other than a radiographer or a radiographer trainee who is under the personal supervision of a radiographer instructor shall manipulate controls or operate equipment used in industrial radiographic operations.

E. No individual shall act as a radiographer instructor unless such individual:

1. has met the requirements of LAC 33:XV.575.B;
2. has one year of documented experience as a radiographer; and
3. has been named as a radiographer instructor on the license or registration certificate issued by the division.

F. During an inspection by the division, the division inspector may terminate an operation if any of the items of LAC 33:XV.590.A are not available and operable or if at least two radiographers are not present. Operations shall not be resumed until such conditions are met.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

#### **§591. Prohibitions**

A. Industrial radiography performed with a sealed source which is not fastened to or contained in a radiographic exposure device, known as fishpole radiography, is prohibited unless specifically authorized in a license issued by the division.

B. Exposure of a personnel monitoring device to deceptively indicate a dose delivered to an individual is prohibited.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

#### **Appendix A**

#### **Subjects to be Covered during the Instruction of Radiographer Trainees**

Training provided to qualify individuals as radiographers in compliance with LAC 33:XV.575.A shall be presented on a formal basis.

- I. Fundamentals of Radiation Safety
  - A. Characteristics of radiation
  - B. Units of radiation dose and quantity of radioactivity
  - C. Significance of radiation dose
    1. Radiation protection standards
    2. Biological effects of radiation dose
    3. Case histories of radiography accidents
  - D. Levels of radiation from sources of radiation
  - E. Methods of controlling radiation dose
    1. Working time
    2. Working distances
    3. Shielding
- II. Radiation Detection Instrumentation to be Used
  - A. Use of radiation survey instruments
    1. Operation and daily inspection
    2. Calibration
    3. Limitations
  - B. Survey techniques
  - C. Use of personnel monitoring equipment
    1. Film badges
    2. Thermoluminescent dosimeters (TLD)
    3. Pocket dosimeters
    4. Alarm ratemeters
- III. Requirements of Pertinent Federal and State Regulations
- IV. Licensee's or Registrant's Written Operating and Emergency Procedures
- V. Radiographic Equipment Use
  - A. Associated equipment
  - B. Radiographic exposure devices and sealed sources
  - C. Storage containers
  - D. Operation and control of x-ray equipment
  - E. Collimators

**Chapter 10. Notices, Instructions, and Reports to Workers; Inspections**

**§1011. Posting of Notices to Workers**

A. Unless specifically provided otherwise by these regulations, each licensee or registrant shall post current copies of the following documents:

1. the regulations in this Chapter, LAC 33:XV.Chapter 4, and all applicable regulations;

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[See Prior Text in A.2 - E]

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:

Gus Von Bodungen  
Assistant Secretary

**DECLARATION OF EMERGENCY**

**Department of Environmental Quality  
Office of the Secretary**

**Clean Fuel Fleet Program and Fees  
(LAC 33:III.223 and 1951-1973) (AQ80E)**

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 30:2011, the assistant secretary of the Department of Environmental Quality (DEQ) declares that an emergency action is necessary because of the requirements of the Clean Air Act Amendments (CAAA) of 1990 and the impact of the amendments upon the six-parish, Baton Rouge ozone nonattainment area. It is necessary for the DEQ to adopt this emergency rule, LAC 33:III.Chapter 19 Subchapter B. Clean-fuel Fleet Program and Chapter 2 associated fees, to comply with the federal mandate for this program and to support the State Implementation Plan (SIP) revision due on May 15, 1994.

The immediate impact is to comply with the requirements of the CAAA of 1990 and to support the SIP revision submittal to the Environmental Protection Agency.

This emergency rule is effective on May 15, 1994, and shall remain in effect for a maximum of 120 days or until a final rule is promulgated, whichever comes first.

**Title 33  
ENVIRONMENTAL QUALITY**

**Part III. Air**

**Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs**

**§223. Fee Schedule Listing**

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[See Prior Text in Fee Schedule Listing]

Additional Permit Fees and ADVF Fees		
Fee Number	Fee Description	Amount
	*** [See Prior Text]	
2700 *Note 17*	Fleet Size: 10-25 vehicles 26-50 vehicles 51-100 vehicles 101 and higher vehicles	300 500 750 1,000

**Explanatory Notes for Fee Schedule**

\*\*\*

[See Prior Text Notes 1 through 17]

Note 17 The fleet size is based on the number of covered vehicles in the covered fleet.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2054.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:613 (September 1988), LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19:1565 (December 1993), LR 20:

**Chapter 19. Mobile Sources**

**Subchapter B. Clean-fuel Fleet Program**

**§1951. Purpose**

The purpose of this rule is to reduce exhaust emissions from motor vehicles through a program that requires covered fleet operators to include Clean-fuel Vehicles (CFVs), on a percentage basis, in acquisitions of fleet vehicles. The Clean-fuel Fleet Program is mandated by the Clean Air Act Amendments of 1990, for vehicle fleets that operate in the Baton Rouge ozone nonattainment area which includes the parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2054.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:

**§1953. General Provisions**

A. Applicability. Any person who operates a fleet of 10 or more covered vehicles that are centrally fueled or capable of being centrally fueled in the Baton Rouge ozone nonattainment area as defined in LAC 33:III.1951 shall comply with the rules set forth in this Subchapter. This includes persons that reside outside the covered area and operate such fleets in the

covered area. Three vehicle classes are covered by the program:

1. Light-duty Vehicles and Trucks (LDVs and LDTs) with a gross vehicle weight rating of (GVWR) less than or equal to 6,000 pounds;
2. LDTs with a GVWR greater than 6,000 pounds and less than or equal to 8,500 pounds; and
3. Heavy-duty Vehicles (HDVs) with a GVWR greater than 8,500 pounds and less than 26,000 pounds.

#### B. Purchase Requirements

1. For LDVs and LDTs, 30 percent of new covered vehicle purchases/acquisitions, in Model Year (MY) 1998, 50 percent in MY 1999, and 70 percent in MY 2000 and thereafter must be CFVs.
2. For HDVs, 50 percent of new covered vehicle purchases/acquisitions in MY 1998 and 50 percent every MY thereafter must be CFVs.
3. Purchasing requirements specified in Subsection B.1 and 2 of this Section may be met through EPA certified conversions of conventionally fueled vehicles to CFVs or by use of purchase credits.

#### C. Fleet Registration

1. Covered fleets shall register with the administrative authority not later than September 1, 1997.
2. Those fleets which become covered after September 1, 1997 because of an increase in fleet size and/or central fueling capabilities shall register all vehicles in their fleet with the administrative authority within 90 days of attaining covered fleet status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:

#### §1955. Definitions

The terms used in this Chapter are defined in LAC 33:III.111 of these regulations with the exception of those terms specifically defined in this Section as follows:

**Capable of Being Centrally Fueled**—a fleet, or that part of a fleet, consisting of vehicles that can be refueled 100 percent of the time based on a location that is owned, operated, or controlled by the fleet operator, or is under contract with the fleet operator. A covered fleet operator who does not have a refueling location associated with his/her business or a contract for refueling will be considered capable of being centrally fueled based on the availability of a fueling location within a 1.4 mile radius of the fleet's operational location which that fleet or part of that fleet can be refueled 100 percent of the time.

**Centrally Fueled**—a fleet, or that part of a fleet, consisting of vehicles that are fueled 100 percent of the time at a location that is owned, operated, or controlled by the covered fleet operator or is under contract with the covered fleet operator. This includes any vehicle that is garaged at a personal residence and that is centrally fueled 100 percent of the time.

**Clean Alternative Fuel**—any fuel, including methanol, ethanol or other alcohols (including any mixture thereof containing 85 percent or more by volume of such alcohol with gasoline or other fuel), reformulated gasoline, diesel, natural

gas, liquefied petroleum gas, and hydrogen, or power source (including electricity) used in a clean-fuel vehicle that complies with the standards and requirements applicable to such vehicle when using such fuel or power source.

**Clean-fuel Vehicles (CFVs)**—a vehicle which has been certified to meet, for any model year, a set of emission standards that classifies it as a low-emission vehicle (LEV), ultra-low-emission vehicle (ULEV), or zero-emission vehicle (ZEV).

**Contract Fueling**—an agreement under which fleet vehicles are required to be refueled at a service station or other facility with which the fleet operator has entered into a contract for such refueling purposes. Commercial fleet credit cards are considered to be a refueling agreement, since they are intended as a special fuel arrangement for fleet purchases alone.

**Converted Vehicle**—a vehicle that is retrofitted to use one of the alternative clean fuels and meets the emission standards set forth for that class of CFVs.

**Converter**—any person who manufactures or installs a conversion configuration on a vehicle in order to convert it to a clean-fuel vehicle which meets the emission standards for that class of CFFVs. *Note:* Manufacturers of conversion kits, as well as installers, are responsible for demonstrating that vehicles converted to clean-fuel vehicles have a configuration that complies with clean-fuel vehicle emission standards.

**Covered Area**—the Baton Rouge ozone nonattainment area which is subject to the CAAA Clean-fuel Fleet Program provisions. The parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge are included.

**Covered Fleet**—ten or more motor vehicles in vehicle classes for which this rule is applicable and which are: operated by a single person; operated in a covered area, even if the fleet is garaged outside the covered area; and which are centrally fueled or capable of being centrally fueled.

**Covered Fleet Operator**—a person who operates a covered fleet. For the purposes of this rule, all motor vehicles owned or operated, leased, or otherwise controlled by such person, by any person who supervises such person, or by any person under common supervision with such person shall be treated as owned by such person.

**Covered Fleet Vehicle**—a motor vehicle that is in a vehicle class for which standards are applicable under this rule and is part of a covered fleet that is centrally fueled or capable of being centrally fueled.

**Dealer Demonstration Vehicle**—a vehicle that is operated solely for the purpose of promoting motor vehicle sales or permitting potential purchasers to drive the vehicle for pre-purchase or pre-lease evaluation. ("Dealer" refers to any person who is engaged in the sale or distribution of new motor vehicles or new motor vehicle engines to the ultimate purchaser.)

**Dual-fuel Vehicle**—any motor vehicle or engine that is designed to operate on two fuel sources. Each fuel source is stored in a separate fuel storage tank.

**Emergency Vehicle**—any vehicle that is legally authorized by a governmental authority to exceed the speed limit to transport people and equipment to and from situations in which speed is required to save lives or property, such as a rescue vehicle,



fire truck, or ambulance.

**Flexible-fuel Vehicle**—any motor vehicle which is designed to operate on multiple fuel sources. Each fuel source is stored in the same fuel storage tank.

**Fuel Provider**—a facility that provides refueling services to the general public.

**Gross Vehicle Weight Rating (GVWR)**—the weight specified by the vehicle manufacturer as the maximum allowable loaded weight (vehicle empty weight plus the weight of the driver, passengers, and payload) of a single vehicle.

**Heavy-duty Vehicle (HDV)**—a motor vehicle with a GVWR greater than 8,500 pounds, and identified as being in one of three subclasses:

1. **Light HDV (LHDV)**—a motor vehicle with a GVWR of 8,500 pounds through 19,500 pounds.

2. **Medium HDV (MHDV)**—a motor vehicle with a GVWR of 19,501 pounds through 26,000 pounds.

3. **Heavy HDV (HHDV)**—a motor vehicle with a GVWR of 26,001 pounds or greater.

**Inherently Low-emission Vehicle (ILEV)**—any LDV or LDT conforming to the applicable ILEV emission standards, or any HDV with an engine conforming to the applicable ILEV standards. No dual-fuel or flexible-fuel vehicles shall be considered ILEVs unless they are certified to the applicable ILEV standard(s) on all fuel types for which they are designed to operate. ILEV emission standards may be found in 40 CFR 88.311-93.

**Law Enforcement Vehicle**—any vehicle which is primarily operated by a civilian or military police officer or sheriff, or by personnel of federal, state, or municipal law enforcement agencies and which is used for the purpose of law enforcement activities including, but not limited to, chase, apprehension, surveillance, or patrol of people engaged in or potentially engaged in unlawful activities.

**Light-duty Vehicle/Truck (LDV/LDT)**—a motor vehicle with a GVWR of 8,500 pounds or less.

**Location**—any building, structure, facility, or installation, which is owned or operated by or under the control of a person, is located on one or more contiguous properties, and contains or could contain a fueling pump or pumps for the use of the vehicles owned or controlled by that person.

**Low-emission Vehicle (LEV)**—a vehicle that meets the LEV certified emission standards. The LEV emission standards may be found in 40 CFR 88.104-94 and 40 CFR 88.105-94.

**Model Year (MY)**—the time frame (September 1 through August 31) during which annual fleet vehicle purchases, acquisitions, and conversions are computed. Any new vehicles purchased, acquired, or converted between September 1 and August 31 shall be counted toward the purchase requirement of the same year and shall be considered to be of the same model year as the January that falls between them.

**Motor Vehicle**—any self-propelled vehicle designed for transporting persons or property on a street or highway.

**Noncovered Fleet**—any fleet that is exempted from this rule in accordance with LAC 33:III.1957.

**Nonroad Vehicle**—a vehicle or item of machinery that uses internal combustion engine but is not regulated as a motor

vehicle or airplane under the Clean Air Act (e.g. farm and construction equipment).

**Operate In**—a covered fleet, whether registered inside or outside the covered area, that conducts business within the boundaries of the covered area, such as, but not limited to, the delivery of a product or a service, sales personnel calling on clients, making repair service calls, etc.

**Partially Covered Fleet**—any fleet that contains 10 or more covered vehicles, but also contains exempt vehicles.

**Ultra-low-emission Vehicle (ULEV)**—a vehicle that meets the ULEV certified emission standards. The ULEV emission standards may be found in 40 CFR 88.104-94 and 40 CFR 88.105-94.

**Zero-emission Vehicle (ZEV)**—a vehicle that meets the more stringent ZEV certified emission standards. The ZEV emission standards can be found in 40 CFR 88.104-94 and 40 CFR 88.105-94.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2054.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:

### §1957. Exemptions

The following fleet vehicles are exempt from the requirements of this Subchapter:

1. any vehicle with a GVWR greater than or equal to 26,000 lbs;
2. emergency or law enforcement vehicles;
3. nonroad vehicles (farm and construction vehicles);
4. fleets in the covered area with less than 10 vehicles;
5. vehicles in a covered fleet not capable of being centrally fueled;
6. vehicles parked at a private residence that are not already centrally fueled;
7. vehicles leased or rented to the general public;
8. vehicles held for sale by motor vehicle dealers (including dealer demonstration vehicles); and
9. vehicles used for motor vehicles manufacturer product demonstrations and tests.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2054.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:

### §1959. Emissions Standards

Clean-fuel vehicles must meet the applicable vehicle emission standards for their respective vehicle classes and categories. The emission standards tables are found in 40 CFR 88.104.94., 40 CFR 88.105.94., and 40 CFR 88.311.93.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2054.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:

### §1961. Credits Program

Operators of covered fleets that are registered or required to be registered in the covered area, and participating noncovered fleets, upon registering with the department, are eligible to participate in the credits program which allows purchase credits to be earned, banked, traded, or sold within the Baton

Rouge nonattainment area in order to satisfy the Clean-fuel Fleet Program (CFFP) purchase requirements. Noncovered fleets may participate in the credits program upon registering with the department.

**A. Requirements**

1. Fleet must be registered with the administrative authority in accordance with rule and procedures established by the Clean-fuel Fleet Program.

2. Any fleet vehicle, for which credit is being requested, must be a clean fuel vehicle (CFV).

3. Any dual-fuel/flexible-fuel vehicle which a fleet owner purchases, acquires, or converts to comply with CFFP purchase requirements or to generate credits must be operated, while in the covered area, on the fuel(s) on which it was certified as a CFV.

**B. Credits Generation.** Owners of eligible fleets may generate credits by:

1. purchasing, acquiring, CFVs, and/or converting vehicles to CFVs prior to model year 1998;

2. purchasing, acquiring CFVs, and/or converting more vehicles to CFVs than the CFFP requires in any year;

3. purchasing, acquiring CFVs, and/or converting vehicles to CFVs, which meet more stringent emission standards (ULEV,ZEV) than the minimum requirement (LEV); or

4. purchasing, acquiring CFVs in exempted vehicle categories, and/or converting exempted vehicles to CFVs.

**C. Credits Use.** Owners or eligible fleets, in lieu of purchasing/acquiring CFVs, may use banked, traded, or purchased credits as a means of meeting their CFFP purchase requirements.

**D. Credit Transactions**

**1. Credit Banking**

a. Credits which are not needed to meet a fleet's CFFP purchase requirements may be banked.

b. Banked credits made be held for use, trading, and/or selling at a later time with no depreciation of credits.

c. Banked credits may be used to meet compliance with the purchase requirements by redemption to the administrative authority at a later date.

d. Eligible fleet operators who voluntarily purchase CFVs after August 31, 1995, shall be eligible to earn and bank credits provided that all other requirements applicable to such purchases and vehicle use are met.

e. Credits for the light and heavy duty vehicle classes (including heavy-duty subclasses) are required to be banked, identified, and tracked separately.

**2. Trading, Selling, and Purchasing of Credits**

a. The trading, purchasing, and selling of credits is market driven, with no monetary value set by the administrative authority\*.

b. Credits may be traded, purchased, or sold only among covered and participating non-covered fleets in the Baton Rouge nonattainment area.

c. Traded or purchased credits may be used to demonstrate compliance in the year of the trade/purchase or any subsequent year.

d. Credit transactions are prohibited between the light-duty and heavy-duty vehicle weight classes.

e. Credit trading is allowed between all LDV and LDT subclasses.

f. Credit trading among the HDV subclasses is allowed only in a downward direction and without proration. That is, credits generated by the purchase of heavy HDVs can be used to demonstrate compliance with medium HDV or light HDV purchase requirements on a one-for-one basis. Trading in an upward direction, i.e., using credits generated by the purchase of light HDVs to satisfy medium HDV or heavy HDV requirements, is not permitted.

g. A covered fleet operator desiring to demonstrate full or partial compliance with covered fleet purchase requirements by the redemption of credits shall surrender sufficient credits as established by the CFFP. Credits tables can be found in Subsection E of this Section.

**E. Calculation of Credits.** Credits are appropriately weighted to reflect the level of emission reduction achieved by the respective class when compared to conventional vehicle standards for equivalent weight classes. Credit calculations and tracking will follow round-off procedures to two decimal places (hundredth's place). The following tables demonstrate "credit generation" and "credits in lieu of" values for LDVs and HDVs.

**Table 3.1**  
**Purchasing More Vehicles than Required to Meet the Mandate**

NMOG + NO <sub>x</sub>	LDV	LDT	LDT	LDT	LDT	LDT
	≤6000	≤6000	≤6000	>6000	>6000	>6000
	lbs	lbs	lbs	lbs	lbs	lbs
	GVWR	GVWR	GVWR	GVWR	GVWR	GVWR
	≤3750	≤3750	>3750	≤3750	>3750	>5750
	lbs TW	lbs TW	lbs TW	lbs TW	lbs TW	lbs TW
			≤5750		≤5750	
			lbs TW		lbs TW	
LEV	1.00	1.00	1.39	.33	.43	.52
ULEV	1.09	1.09	1.52	1.00	1.39	2.06
ZEV	1.73	1.73	2.72	1.73	2.72	3.97

**Table 3.2**  
**Purchasing a ULEV or ZEV to Meet the Mandate**

NMOG + NO <sub>x</sub>	LDV	LDT	LDT	LDT	LDT	LDT
	≤6000	≤6000	≤6000	>6000	>6000	>6000
	lbs	lbs	lbs	lbs	lbs	lbs
	GVWR	GVWR	GVWR	GVWR	GVWR	GVWR
	≤3750	≤3750	>3750	≤3750	>3750	>5750
	lbs TW	lbs TW	lbs TW	lbs TW	lbs TW	lbs TW
			≤5750		≤5750	
			lbs TW		lbs TW	
LEV	0.00	0.00	0.00	0.00	0.00	0.00
ULEV	.09	.09	.13	.67	.96	1.54
ZEV	.73	.73	1.34	1.40	2.29	3.45

**Table 3.3**  
Credit Needed in Lieu of Purchasing a LEV to Meet the Mandate

NMOG + NO <sub>x</sub>	LDV	LDT	LDT	LDT	LDT	LDT
	≤6000 lbs GVWR	≤6000 lbs GVWR	≤6000 lbs GVWR	>6000 lbs GVWR	>6000 lbs GVWR	>6000 lbs GVWR
	≤3750 lbs GVWR	≤3750 lbs TW	>3750 lbs TW	≤3750 lbs TW	>3750 lbs TW	>5750 lbs TW
LEV	1.00	1.00			.43	.52

**Purchasing more vehicles than Required to Meet the Mandate**

	Light HDV	Medium HDV	Single Unit Heavy HDV
LEV	1.00	1.00	1.00
ULEV	1.87	1.87	1.87
ZEV	3.53	3.53	3.53

**Table 3.5**  
Purchasing a ULEV or a ZEV to Meet the Mandate

	Light HDV	Medium HDV
LEV	.00	.00
ULEV	.87	.87
ZEV	2.53	2.53

**Table 3.6**  
Credit Needed in Lieu of Purchasing a LEV to Meet the Mandate

	Light HDV	Medium HDV
LEV	1.00	1.00

**§1963. Emission Reduction Credits Program - Reserved**

**§1965. Recordkeeping Requirements**

A. Accurate records must be maintained to verify compliance with the clean-fuel fleet program. All records shall be maintained for the current year plus the previous two years for the purposes of reporting and compliance auditing.

B. An annual report for LDVs and HDVs shall be forwarded to the administrative authority by October 1 to cover the previous model year's activities. Transactions will be recorded in the balance sheet by item number. An item sheet will accompany the balance sheet for each item entered.

C. Each balance sheet shall contain the following:

1. total number of new vehicles purchased;
2. CFVs required;

3. each transaction by item number and date;
4. acquired credits and/or sold credits;
5. beginning and ending credit balances;
6. company name, address, primary contact person, telephone number, date, and fleet operator signature.

D. Each item sheet shall contain the following:

1. transaction item number and date;
2. company name, address, primary contact person, telephone number;
3. company name, address, primary contact person, telephone number, and item number of whom purchased/sold the credits;
4. Vehicle Identification Number (VIN) of the purchased/converted vehicle(s);
5. vehicle type of the purchased/converted vehicle(s);
6. fuel type of the purchased/converted vehicle(s);
7. certification number of the purchased/converted vehicle(s);
8. license plate number of the purchased/converted vehicle(s);
9. LEV equivalents; and
10. any other information for clarification or verification.

E. The following records shall be maintained for compliance audit purposes:

1. the annual report;
2. total number of vehicles (covered and exempt);
3. the VIN, license plate number, type (LDV/HDV), and fuel type of each vehicle;
4. any other information that may be deemed necessary by the administrative authority.

F. All records shall be maintained at a location within the covered area for those who reside inside the covered area or for those operators who reside outside the covered area at a site agreed to by the fleet operator and the administrative authority. The records shall be available for inspection by department personnel during reasonable business hours (8 a.m. to 5 p.m., Monday-Friday).

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2054.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:

**§1967. Conversions to Clean-fuel Fleet Vehicles - Reserved**

**§1969. Fuel Provider Requirements**

Fuel providers are required by the Clean Air Act Section 246(e) "to make clean alternative fuels available to covered fleet operators at locations at which covered fleet vehicles are centrally fueled."

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2054.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:

**§1971. Enforcement**

A. No person shall violate the provisions of this Subchapter.

B. No person shall knowingly:

1. make any false material statement, representation, or certification in, or omit material information from or

knowingly alter, conceal, or fail to file or maintain any document required pursuant to this Subchapter;

2. fail to report data as required under this Subchapter;  
3. counterfeit or commerce in counterfeit purchase credit documents;

4. fail to meet purchase requirements;  
5. fail to purchase the appropriate number of vehicles certified to clean-fuel vehicle emission standards for the present model year; or

6. use a fuel in a covered area other than that on which the vehicle was certified as a clean-fuel vehicle.

C. Failure to comply with the provisions of this Subchapter shall constitute a violation of the act and shall be subject to any enforcement action including penalties pursuant to R.S. 30:2025.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2054.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:

#### §1973. Fees

Fees are defined in LAC 33:III.223.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2054.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:

James B. Thompson, III  
Assistant Secretary

### DECLARATION OF EMERGENCY

#### Department of Environmental Quality Office of Solid and Hazardous Waste Solid Waste Division

#### Waste Tires (LAC 33:VII.Chapter 105) (SW11E)

In accordance with the emergency provisions of the Administrative Procedure Act., R.S. 49:950(B), and under the authority of R.S. 30:2011, the secretary of the Department of Environmental Quality declares that an emergency action is necessary because of the ever-increasing number of tire piles that are currently being generated. It is necessary for the department to adopt this emergency rule so that funds may be made available from the Waste Tire Management Fund to facilitate the cleanup of these sites. In accordance with changes made to R.S. 30:2418, the department is required to establish a priority system for cleanup of these waste tire sites. These sites create environmental and health-related problems and pose a significant threat to the safety of the community, should a fire occur. The department has proposed a rule, SW11, which includes similar provisions to those contained in this emergency rule. The intent of this emergency rule is to make available \$2,000,000 in funds to expedite the cleanup of these sites.

This emergency rule is effective on April 14, 1994 and shall remain in effect for the maximum of 120 days or until a final rule is promulgated, whichever occurs first.

### Title 33 ENVIRONMENTAL QUALITY

#### Part VII. Solid Waste

#### Subpart 2. Recycling

#### Chapter 105. Waste Tires

#### §10505. Definitions

The following words, terms and phrases, when used in conjunction with the Solid Waste Rules and Regulations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

**Agreement**—a contract, purchase order, or other form of arrangement between recipient persons and the administrative authority that outlines specific goals or responsibilities.

\* \* \*

[See Prior Text]

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2411 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:37 (January 1992), amended LR 20:

#### §10513. Standard Permit Application Form

\* \* \*

[See Prior Text in A - B.5]

6. a bond, bank letter of credit, or money security made payable upon default to the department into the Waste Tire Management Fund. The bond amount will be an amount equal to \$1 per whole tire and/or \$1 per cubic yard of processed tire material on the site at the license renewal date. To ensure sufficient assets to cover facility closure, the minimum amount of the bond, bank letter of credit or money security shall be \$5,000.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2411 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:39 (January 1992), amended LR 20:

#### §10515. Waste Tire Fee System

\* \* \*

[See Prior Text in A - C.1.a]

b. the remaining \$1 will be forwarded to the department by the tire dealer and will be deposited in the Waste Tire Management Fund. The money shall be designated for the administration of the waste tire recycling regulations and the cleanup of promiscuous tire piles.

\* \* \*

[See Prior Text in C.2]

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2411 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:39 (January 1992), amended LR 20:

#### §10536. Cleanup of Promiscuous and/or Unauthorized Tire Piles

A. Upon promulgation of these regulations, the administrative authority may issue agreements for cleanup of promiscuous and/or unauthorized tire piles. The number of agreements issued each year shall be determined based on the availability of funds in the Waste Tire Management Fund that are designated for tire pile cleanup. The agreement will designate specific eligible sites, and the department will monitor the cleanup activities which shall be made in accordance with the standards and responsibilities outlined in

the Solid Waste Regulations, LAC 33:VII. The agreement shall stipulate that a maximum of 80 percent of the total allowable costs shall be paid from the Waste Tire Management Fund. No more than \$1,000,000 shall be awarded to any one site. These monies shall not be applied to indirect costs and other unallowable costs, which include but are not limited to, administrative costs, consulting fees, or legal fees. Furthermore, they shall not be applied to reclamation efforts or cleanup costs associated with other types of contaminants which may be detected during the remediation process. Rather, these funds shall be applied to direct costs such as labor, transportation, and processing and/or disposal costs of the waste tires.

B. In order to apply for and receive funding for tire site cleanup, local governments must provide the administrative authority with tire site information. This information includes, but is not limited to, accurate site location, number of tires on-site, visual report on-site with photographs and proximity to residences and schools. Such information will be submitted using forms available from the administrative authority.

C. Tire piles shall be chosen for cleanup based on their placement on the waste tire priority cleanup list. Tire piles shall be prioritized by summing numerical point values assigned for factors such as the number of tires in the pile, as well as proximity to residences and schools. These point values will be assigned in accordance with the values found in the Waste Tire Management Fund Prioritization System located in Schedule 1 in the Appendix. These ranking criteria consider threat to human health, threat of damage to surrounding property, and adverse impact on the environment.

D. State agencies, municipal governments, or parish governments may consolidate several smaller waste tire piles provided they obtain prior approval from the administrative authority. Consolidating the piles for the purpose of remediation may increase the priority ranking of the site(s) in question.

E. All legal avenues for recovery from responsible parties of unauthorized and promiscuous waste tire sites will be exhausted.

F. Waste tires may not be removed from unauthorized or promiscuous waste tire piles without prior approval of the administrative authority.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2411 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:

### Schedule 1

#### Waste Tire Management Fund Prioritization System

Each waste tire site for which cleanup funds are solicited will be ranked according to the point system described below. The total number of points possible for any one site is 210 points. The points shall be allocated according to the following criteria:

##### I. Classification of the tire pile.

Type of Tire Pile	Point Value
Promiscuous waste tire pile	100
Unauthorized waste tire pile	0

II. Approximate number of tires in the pile. This figure shall be the average value of three separate estimates. One estimate will be that of a department inspector, the other two must be from independent appraisers.

Number of Tires in Pile	Point Value
> 1,000,000	50
250,001 - 1,000,000	40
100,001 - 250,000	30
50,001 - 100,000	20
< 50,000	10

III. Proximity to nearest schools. If a school is located within the radius described below then the corresponding point value is assigned. Only one category may be chosen such that the maximum value allowed for this factor is 25.

Proximity to Nearest School	Point Value
School within 2-mile radius	25
School within 4-mile radius	17
School within 6-mile radius	9
School outside 6-mile radius	0

IV. Proximity to residences. If 50 or more residences are located within the radius described below then the corresponding point value is assigned. Only one category may be chosen such that the maximum value allowed for this factor is 25.

Proximity to 50+ Residences	Point Value
50 or more within 1-mile radius	25
50 or more within 3-mile radius	17
50 or more within 5-mile radius	9
Less than 50 within 5-mile radius	0

V. An additional point value (not to exceed 10 points) shall be added as a result of dividing the number of tires in the pile by a factor of one million.

VI. Determination of Priority Ranking. Point values for items I through V above will be summed, with the resulting number being assigned as the priority points for the given site. As an example: a promiscuous tire pile containing 51,000 tires, located within a 4-mile radius of 80 households, and within 5 miles of a school would have a priority rating of 146.05.

William A. Kucharski  
Secretary

## DECLARATION OF EMERGENCY

Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing

### Inpatient Hospital Services

The Department of Health and Hospitals, Office of the Secretary Bureau of Health Services Financing has adopted the following rule, effective April 19, 1994, as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This emergency rule is in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and shall be in effect until the adoption of another payment methodology that replaces the current cost reimbursement methodology subject to a per discharge limitation or the maximum 120 days allowed under the Administrative Procedure Act.

The department has changed the reimbursement methodology for rural hospitals with 60 beds or less which have a service municipality with a population of 20,000 or less. These rural hospitals are not subject to the cost per discharge limitations. Effective for admissions November 1, 1990, rural hospitals which meet this criterion will be reimbursed for inpatient hospital services based on allowable costs as defined by Medicare principles of reimbursement. The department's intent in making this change in reimbursement methodology for rural hospitals is to enhance and assure access to medical care for eligible Medicaid beneficiaries in rural areas of the state in order to comply with federal regulations and to avoid penalties or sanctions. In addition, this change not only provides additional reimbursement for these facilities by permitting reasonable and necessary increases in cost associated with medical manpower shortage areas and higher transportation expenses for supplies and equipment but also it is expected to result in an overall cost savings as patients will be provided services in these rural hospitals when appropriate services are available rather than being transferred to large urban hospitals where the operational costs are higher due to the tertiary levels of care available.

#### Emergency Rule

The reimbursement for inpatient hospital services to rural hospitals as defined by Medicare with 60 beds or less which has a service municipality with a population of 20,000 or less shall be based on allowable costs as defined by Medicare principles of reimbursement. Cost per discharge limitations shall not be applied to these facilities.

This rule shall remain in effect until such time as a new payment methodology for all inpatient hospital services is implemented.

Rose V. Forrest  
Secretary

## DECLARATION OF EMERGENCY

Department of Labor  
Office of Labor

### Inventory Requirements for CSBG Block Grants (LAC 40:XVII.1507-1511)

In accordance with the emergency provisions of R.S. 49:953 et seq. of the Administrative Procedure Act, the Department of Labor declares that certain rules and regulations of the Office of Labor are to be amended or repealed effective May 20, 1994, for 120 days or until the final rule is adopted, whichever occurs first.

The state of Louisiana is responsible for the proper expenditure of federal Community Service Block Grant (CSBG) funds. Under federal law, the state is required to establish fiscal control and disbursal of federal CSBG funds paid to the state. Consistent with this mandate the state is amending or repealing the following state rules in order to maintain a system for inventory and making equipment purchases with CSBG funds.

The notice of intent and the final promulgation of CSBG rules will be completed in accordance with the Administrative Procedure Act after May 20, 1994.

#### Title 40

#### LABOR AND EMPLOYMENT

#### Part XVII. Community Services Block Grant

#### Chapter 15. Procurement Policies

#### §1507. Ownership of Property

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:66 et seq.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 16:209 (March 1990), repealed LR 20:

#### §1509. Equipment Purchased with CSBG Funds

A. Each subgrantee will maintain an inventory identifying equipment purchased with CSBG funds at a cost of \$250 or more including a description of the equipment, it's condition, acquisition costs, serial number, and a property number assigned the equipment. The property number will be affixed to the equipment in a conspicuous area. Subgrantees may utilize their existing inventory procedures, provided they meet these requirements and separately identify equipment purchased with CSBG funds. An inventory listing equipment purchased with CSBG funds will be submitted to the Louisiana Department of Labor at the end of each fiscal year with the subgrantee's final close out package. The CSBG Unit of the Louisiana Department of Labor will monitor subgrantees to assure an inventory of equipment purchased with CSBG funds is being maintained.

B. Before equipment purchased with CSBG funds can be disposed of, written approval must be obtained from the Louisiana Department of Labor. Any income resulting from the disposal of this equipment will be considered program income. The subgrantee will immediately notify the Louisiana Department of Labor, CSBG Unit of any program income obtained and it will be utilized only in support of approved CSBG activities.

C. Ownership of equipment purchased with CSBG funds will rest with the CSBG subgrantee until its CSBG funding is terminated. Equipment purchased with CSBG funds with a unit price of \$250 or more shall then become the property of the Louisiana Department of Labor to be utilized in CSBG activities and returned to the CSBG Unit of the Department of Labor within 30 days from termination of CSBG funding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:61 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Labor, LR 16:209 (March 1990), amended LR 20:

#### §1511. Identification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:66 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Labor, LR 16:209 (March 1990), repealed LR 20:

Gayle F. Truly  
Secretary

### DECLARATION OF EMERGENCY

#### Department of Public Safety and Corrections Board of Parole

##### Sex Offenders (LAC 22:IX)

The Department of Public Safety and Corrections, Board of Parole, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), in order to implement Acts 388 and 962 of the 1992 Regular Legislative Session and adopts the following emergency rule, effective May 9, 1994.

Emergency rulemaking is necessary in order to protect and insure the safety of the public now that sex offenders are being released and residing in the community.

This emergency rule shall remain in effect for 120 days or until a final rule is promulgated, whichever occurs first.

#### Title 22

### CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

#### Part XI. Board of Parole

A. Purpose. The purpose of this regulation is to set forth procedures to be followed for notification, disclosure and dissemination of the information regarding sex offenders.

B. Responsibility. The Louisiana Board of Parole and the Department of Public Safety and Corrections, Division of Probation and Parole are responsible for ensuring implementation of this regulation.

#### C. Definitions

*He*—all forms of masculine pronouns are used. This is intended to refer to either sex and is used as a matter of convenience.

*Louisiana Board of Parole*—the board.

*Sex Offender*—a person who has violated any of the

following offenses, or the equivalent offense in another jurisdiction:

Abetting in Bigamy;  
Forcible Rape;  
Aggravated Crime Against Nature;  
Incest;  
Aggravated Oral Sexual Battery;  
Indecent Behavior with a Juvenile;  
Intentional Exposure to AIDS;  
Aggravated Rape;  
Molestation of a Juvenile;  
Aggravated Sexual Battery;  
Oral Sexual Battery;  
Bigamy;  
Pornography Involving a Juvenile;  
Carnal Knowledge of a Juvenile;  
Sexual Battery;  
Crime Against Nature;  
Simple Rape;

NOTE: Attempted offenses do not fall under these rules unless specifically required by the sentencing judge or the parole board.

#### D. Notification

1. All sex offenders residing in this state must notify the following, of their, name, address, place of employment, crime for which he was convicted, the date and place of such conviction, any alias used by him and his social security number.

- a. police department in area he will reside;
- b. sheriff department in area he will reside.

2. A sex offender shall within 30 days of being placed on probation or released on parole or within 45 days of establishing residence in Louisiana, notify the agencies listed in D.1.a through b.

3. A sex offender cannot change his address without prior notification to his probation and parole specialist and without the prior approval of his probation and parole specialist.

4. A sex offender, changing his residence must send written notice to the agencies listed in D.1.a through b within 10 days of the change of residence if in the same parish. If the move is to a new parish, the sex offender must register with the agencies listed in D.1.a through b within 10 days of establishing his new residence.

5. The board shall send written notice at least 10 days prior to parole, community placement or work release placement to the following:

- a. the chief of police of the city in which a sex offender will reside or be placed for work release;
- b. the sheriff of the parish in which a sex offender will reside or be placed for work release;
- c. if requested in writing, the board shall also send notice to the following:
  - i. the victim of the crime or if the victim is under 16 to the parents, tutor or legal guardian of the child;
  - ii. any witnesses who testified against the sex offender;
  - iii. any person specified in writing by the prosecuting attorney.

#### E. Notification - Victim Under 18 Years Old

1. The board shall mail notice, within three days of its decision to release a sex offender, to the victim or the victim's parent or guardian if they were not present at the parole hearing of the following:

- a. the address where the sex offender will reside;
- b. a statement that the sex offender will be released on parole; and
- c. the date the sex offender will be released.

2. Sex offenders, whose victims were under the age of 18 at the time of the commission of the crime, must meet all requirements of Subsection D above as well as the following:

- a. a sex offender must give notice of the crime, his name and address by mail to the following:
  - i. all persons residing within a three square block area or a one square mile area if in a rural area in accordance with Form A;
  - ii. superintendent of public schools in the area he will reside;
  - iii. heads of all parochial and private schools in the area he will reside;
  - iv. child protective services in the area he will reside.
- b. the above must be done within 30 days of either sentence to probation, release or parole, or acceptance by Louisiana through the Interstate Compact.
- c. a sex offender shall publish notice of his name, address and crime for which he was convicted and paroled, on two separate days in the official journal of the governing authority of the parish where the sex offender will reside, in accordance with Form B.
- d. the board may order any form of notice they deem necessary.

#### F. Additional Conditions

1. All sex offenders shall be subject to the same conditions as any other offender released on probation, parole, good time/parole supervision, work release, as well as those set forth above.
2. All sex offenders shall be subject to any special conditions as required by the board.

#### G. Term

1. All sex offenders must comply with these requirements for a period of 10 years after the conviction, if not imprisoned during that period in a penal institution, full-time residential treatment facility, hospital, or other facility or institution pursuant to the conviction. If the person required to register is imprisoned or confined to a penal institution, full-time residential facility, hospital, or other facility or institution pursuant to the conviction, he shall comply with the registration provision for a period of 10 years after release from his confinement or imprisonment. A convicted sex offender's duty to register terminates at the expiration of 10 years from the date of initial registration, provided that, during the 10-year period, he is not convicted of another sex offense.

2. All sex offenders may petition the court to be relieved of the duty to register. The petition shall be made to the court in which the petitioner was convicted of the offense that subjects him to the duty to register, or, in the case of convictions in other states, to the district court of the parish in which the person is registered. The district attorney of the

parish shall be named and served as the defendant in any such petition. The court shall consider the nature of the sex offense committed, and the criminal and relevant noncriminal offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after conviction, and may consider other factors. The court may relieve the petitioner of the duty to register only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purpose.

#### H. Release of Information

1. The board is authorized to release to the public the following information regarding sex offenders:

- a. name;
- b. address;
- c. crime convicted and paroled;
- d. date of conviction;
- e. date of release on parole or diminution of sentence;
- f. any other information that may be necessary and relevant for public protection.

2. The board can not release any information regarding victims or witnesses of sex crimes to the sex offender or the general public.

3. Verbal requests of information are acceptable. The chairman of the Board of Parole or his designated representative reserves the right to require a written request before releasing any information.

#### FORM "A"

#### STAMPED POST CARD

Under Louisiana Sex Offender laws, LA R.S. 15:540, et seq., and 15:574.4, I am required to notify you of the following information:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

OFFENSE OF CONVICTION: \_\_\_\_\_

These postcards will be stamped with your Probation and Parole Officer's return address. Prior to mailing, the Probation and Parole Officer will examine the cards for complete and correct information and to ensure that the appropriate number of postcards are being mailed.



FORM "B"

Under Louisiana Sex Offender laws, LA R.S. 15:540, et seq., and 15:574.4, I am required to provide the following information:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

OFFENSE OF CONVICTION: \_\_\_\_\_

You will present this completed form to the official publication(s) in your area, fill in their name and address, pay to have the ad run for two days, and return your receipt for payment for your Probation and Parole Officer. Additionally, you will obtain newspapers printed on the dates that your ad is run and present them to your Probation and Parole Officer as proof of publication.

_____	_____
Name of Publication	Name of Publication
_____	_____
Address	Address
_____	_____
City/State/Zip Code	City/State/Zip Code

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 15:540 et seq. and R.S. 15:574.4.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Board of Parole, LR 20:

Ronald Bonvillian  
Chairman

**DECLARATION OF EMERGENCY**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

1994 Spring Inshore Shrimp Season

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allow the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons; R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all inside waters and shall have the authority to open or close open waters; and R.S. 56:6(25)(a) which allows the Wildlife and Fisheries Commission to promulgate rules and regulations to set seasons, times, places, etc. for all wildlife and fish, the Wildlife and Fisheries Commission does hereby set the 1994 Spring Inshore Shrimp Season to open as follows:

Zone 1, that portion of Louisiana's inshore waters from the Mississippi State Line to the eastern shore of South Pass of the Mississippi River, to open at 6 a.m. May 30, 1994; and

Zone 2, that portion of Louisiana's inshore waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of Vermilion Bay and Southwest Pass at Marsh Island, to open at 6 a.m. May 16, 1994.

Shrimping is prohibited between official sunset and official sunrise in inshore waters as described in R.S. 56:495 from the western side of the Atchafalaya River channel to the western shore of Vermilion Bay excluding Southwest Pass south of a line drawn from the following points: 92°00.43' longitude by 29°36.69' latitude and 92°00.30' longitude by 29°36.29' latitude;

Zone 3, that portion of Louisiana's inshore waters from the western shore of Vermilion Bay and Southwest Pass at Marsh Island westward to the Texas State Line, to open at 6 a.m. May 30, 1994, and sets the opening of that portion of Louisiana's territorial waters from the eastern side of the Atchafalaya River Ship Channel westward to the western shore of Freshwater Bayou, at 6 a.m. May 16, 1994.

The commission also hereby grants to the secretary of the Department of Wildlife and Fisheries the authority to close any zone or portion of the state's waters to protect small white shrimp if biological and technical data indicate the need to do so, or enforcement problems develop.

John F. "Jeff" Schneider  
Chairman

**DECLARATION OF EMERGENCY**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

Calcasieu Shrimp Season

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons, R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all inside waters and a resolution adopted by the Wildlife and Fisheries Commission on February 3, 1994 which authorized the secretary of the Department of Wildlife and Fisheries to set any special seasons to harvest overwintering white shrimp in any area or zone when biological and technical data indicate the need to do so, the secretary hereby adopts the following emergency rule:

A special five-day season to harvest shrimp in Calcasieu Lake and the Calcasieu Ship Channel shall be opened at 6 a.m. Saturday, April 23, 1994 and shall close at 12:01 a.m. Thursday, April 28, 1994.

The department's samples indicate that harvestable size white shrimp should be available in Calcasieu Lake.

Joe L. Herring  
Secretary

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### Red Snapper Commercial Fishery Closure

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:317 which provides that the secretary of the department may declare a closed season when it is in the best interest of the state; the secretary of the Department of Wildlife and Fisheries hereby finds that an imminent peril to the public welfare exists and accordingly adopts the following emergency rule.

#### Emergency Rule

Effective midnight, May 15, 1994 the commercial fishery for red snapper in Louisiana waters will close and remain closed until 12:01 a.m. January 1, 1995.

The secretary has been notified by the Gulf of Mexico Fishery Management Council and the National Marine Fisheries Service that the gulfwide commercial red snapper quota has been reached, and the season closure is necessary to prevent overfishing of this species.

Joe L. Herring  
Secretary

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### Territorial Waters Shrimp Season

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons, R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall have the authority to open or close outside waters and a resolution adopted by the Wildlife and Fisheries Commission on February 3, 1994 which authorized the secretary of the Department of Wildlife and Fisheries to open the state's territorial waters in any area or zone when biological and technical data indicates the need to do so, the secretary hereby adopts the following emergency rule:

The state's territorial waters from the Mississippi State Line west to South Pass of the Mississippi River and from Bayou Lafourche west to the eastern side of the Atchafalaya River Ship Channel shall open at 6 a.m. Monday, May 2, 1994 and that area shall remain open until ordered closed.

That portion of the state's territorial waters from the eastern side of the Atchafalaya River Ship Channel west to the

western shore of Freshwater Bayou shall remain closed until further notice.

The department's samples indicate that harvestable size white shrimp should be available in those portions of the state's territorial waters which are scheduled to be opened.

Joe L. Herring  
Secretary

# RULES

## RULE

### Department of Economic Development Board of Architectural Examiners

#### Placing of Seal or Stamp (LAC 46:I.1105)

Under the authority of R.S. 37:144 and in accordance with the provisions of R.S. 49:950 et seq., the Board of Architectural Examiners has amended LAC 46:I.1105 pertaining to sealing or stamping construction document drawings and specifications. The board is clarifying its existing rule and replacing it with the following:

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part I. Architects

#### Chapter 11. Administration

#### §1105. Placing of Seal or Stamp

A. An architect shall affix his or her seal or stamp to all construction document drawings which were prepared by the architect or under the architect's responsible supervision. Construction document drawings prepared by a consulting electrical, mechanical, structural, or other engineer may be sealed or stamped only by the consulting engineer.

B. An architect shall affix his or her seal or stamp to that portion or section of the specifications prepared by the architect or under the architect's responsible supervision. Portions or sections of specifications prepared by a consulting electrical, mechanical, structural, or other engineer may be sealed or stamped only by the consulting engineer.

C. If a public or governmental agency requires further certification by the architect (such as that the title or index page of the specifications be certified by the architect), the architect's further certification shall include a description of exactly what drawings and what portions or sections of the specifications were prepared by or under the architect's responsible supervision, and what drawings and what portions or sections of the specifications were prepared by others. In addition, the architect shall seek to include a certification from any consulting engineers as to what drawings and what

portions or sections of the specifications were prepared by or under the responsible supervision of the consulting engineers.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:145-146.

**HISTORICAL NOTE:** Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:334 (September 1978), repromulgated LR 10:739 (October 1984), amended LR 20: (May 1994).

Mary "Teeny" Simmons  
Executive Director

## RULE

### Department of Economic Development Used Motor Vehicles and Parts Commission

#### Used Parts Licensure (LAC 46:V.3303)

In accordance with the Administrative Procedure Act, R.S. 49:950, and Title 32, Chapters 4A and B4, the Department of Economic Development, Used Motor Vehicle and Parts Commission hereby adopts the following rule.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part V. Automotive Industry

#### Subpart 2. Used Motor Vehicle Commission

#### Chapter 33. Automotive Dismantler and Recycler §3303. Qualifications and Eligibility for Licensure

\* \* \*

E. No person, firm, or corporation may advertise, sell or display for sale used parts without first obtaining a used parts dealer's license to do business in this state. All these types license numbers will be prefixed by UP, followed by a four digit number then the current year of license.

1. Used parts are broadly described as those parts necessary for operation of a vehicle and have been removed from a vehicle for resale. They include, but not limited to, the following: motors, wheels, generators, alternators, water pumps, glass, radiators, spark plugs, fuel tanks, etc.

2. License fees charged and received by the commission for licenses issued on dealers above shall be the same as for all other dealers licensed by this agency as is described in R.S. 32:754.

3. At least one salesman's license shall be issued for each business. License fee charged and received by the commission shall be the same as for all other salesmen licensed by the commission as is described in R.S. 32:754.

4. A surety bond will not be required for dealers whose principal business is selling used parts.

F. An out of state parts dealer may open a parts business in this state. License for an out of state parts dealer to open a used parts business is \$500 per location.

G. Dealers whose only business is selling rebuilt or remanufactured parts, used used batteries, tires and/or wheel covers are not included herein. Service stations are also specifically excluded from the above.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:752, R.S. 32:754, R.S. 32:772 E., and R.S. 32:773A.(3).

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Used Motor Vehicle and Parts Commission, LR 11:1064 (November 1973), amended by Department of Economic Development, Used Motor Vehicle and Parts Commission, LR 20: (May 1994).

John W. Alario  
Executive Director

## RULE

### Board of Elementary and Secondary Education

#### Bulletin 746—Temporary Teaching Assignments (LAC 28:I.903)

*(Editor's Note: This rule is being republished for clarification.)*

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education, adopted the following revisions to the regulations, policies, and procedures for granting temporary teaching assignments for inclusion in Bulletin 746, Louisiana Standards for State Certification of School Personnel.

#### Temporary Teaching Assignments

Local school systems and diocesan systems shall have the authority to grant temporary teaching assignments. A temporary teaching assignment, valid for one school session only and the summer immediately following the school year, and authorizing the employment of a specified teacher in a position for which he is not regularly certified, may be issued by the employing superintendent according to the following regulations.

1. For public schools, the local superintendent must sign the following statement on each temporary teaching assignment:

"I hereby certify that there is no regularly certified, competent, and suitable person available for this position and that the applicant named above is the best qualified person available for employment in the position herein above described."

2. A temporary teaching assignment may be made only for persons who have a baccalaureate degree.

3. Teachers in public schools, and special education teachers in nonpublic schools, who do not have a regular Louisiana teaching certificate must have the appropriate scores on the NTE and be eligible for admission to an approved teacher education program.

4. Renewals may be made on a yearly basis. To be eligible for reemployment on a temporary teaching assignment, a minimum of six semester hours of resident or extension credit must be earned. The hours must be applicable toward certification in the area in which the temporary teaching assignment was approved.

5. Temporary teaching assignments shall be made on forms prescribed by the State Department of Education.

6. The local school system and diocesan systems shall be responsible for maintaining files on all temporary teaching assignments.

7. A temporary teaching assignment may be reissued by a local school system or diocesan system to an applicant who has not met the requirement of earning six semester hours of college credit when one or more of the following conditions are met.

A. Medical Excuse. When serious medical problems of the teacher or immediate family in the same household exist, a doctor's statement is required with a letter of assurance from the superintendent and teacher that the hours will be earned.

B. Required Courses not Available. A letter of verification from area universities is required stating that the required courses are not being offered.

C. Change of School, Parish or School System. A justification letter from the superintendent is required. Reissuance is permitted only if the change is not part of a continuous pattern.

D. Change of Certification Areas. A letter of justification from the superintendent is required to explain the new job assignment with assurance that the requirements for the next temporary teaching assignment will be met.

E. Courses not Applicable Toward Certification. A letter of justification from the superintendent is required with assurance that the teacher will become enrolled in the proper program.

These are the only conditions that may be used. Documentation which supports the above condition must be maintained in the teacher's personnel file. (The Bureau of Higher Education and Teacher Certification will use the same criteria for issuing TTA's to teachers in private schools.)

8. The local school systems and diocesan systems shall be accountable for all aspects of this program.

9. The State Department of Education shall monitor the implementation of the regulations for temporary teaching assignments.

NOTE: Private, nondiocesan schools must apply to the State Department of Education, Bureau of Higher Education and Teacher Certification for a Temporary Teaching Certificate. The regulations listed above which apply to nonpublic schools are also applicable for private, nondiocesan schools.

AUTHORITY NOTE: R.S. 17:6.

Since this policy will be included in Bulletin 746, it will be deleted from the Administrative Code as noted below:

#### Title 28

#### EDUCATION

#### Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans §903. Teacher Certification Standards and Regulations

\* \* \*

M. Regulations for Granting Temporary Teaching Assignments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R. S. 17:6.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 20:283 (March 1994), repromulgated LR 20: (May 1994).

Carole Wallin  
Executive Director

#### RULE

#### Department of Environmental Quality Office of Air Quality and Radiation Protection Air Quality Division

#### Benzene Waste Operations (LAC 33:III.5139) (AQ73)

Under the authority of the Louisiana Environmental Quality Act, particularly R.S. 30:2051 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality has amended the Air Quality Division Regulations, LAC 33:III.5139 (AQ73).

The regulations apply to owners and operators of chemical manufacturing plants, coke by-product recovery plants, petroleum refineries and hazardous waste treatment, storage, and disposal facilities which have specified wastewater containing benzene. If the total annual benzene quantity is greater than 10 Mg/year, controls are required; and if the benzene total is between 1 and 10 Mg/year, recordkeeping and reporting is required. The regulations also contain exemptions for specified waste streams and a waiver provision.

The federal government has promulgated 40 CFR 61, Subpart FF, which is virtually identical in content to this rule, LAC 33:III.5139. Because of waiver delegation for the NESHAPs program (which the department calls LESHAPs) and grant commitments, the Air Quality Division is required to promulgate the rule to maintain the grants and waiver delegation for NESHAPs.

These regulations are to become effective upon publication in the *Louisiana Register*.

Copies of this rule can be obtained from the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70802, telephone (504) 342-5015, document number 9405#035.

James B. Thompson, III  
Assistant Secretary

## RULE

### Department of Environmental Quality Office of Air Quality and Radiation Protection Air Quality Division

#### VOC Reductions (LAC 33:III.2120) (AQ86)

Under the authority of the Louisiana Environmental Quality Act, particularly R.S. 30:2051 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air Quality Division regulations, LAC 33:III.2120, (AQ86).

The purpose of promulgating this revision to Chapter 21 is to meet federal enforceability requirements for Air Toxics' Compliance Plans to demonstrate reasonable further progress.

Section 182(b)(1) of the CAAA requires all ozone nonattainment areas classified as moderate and above to submit a Reasonable Further Progress Plan by November 15, 1993, which describes how the area will achieve an actual VOC emission reduction of at least 15 percent during the first six years after enactment of the CAAA. The 1996 target level of emissions is the maximum amount of ozone season VOC emissions that can be emitted by an ozone nonattainment area in 1996 for that nonattainment area to be in compliance with the 15 percent Reasonable Further Progress Plan requirements. The banking rule is part of the contingency measures for the 15 percent VOC Reduction RFP.

These regulations are to become effective upon publication in the *Louisiana Register*.

#### Title 33

### ENVIRONMENTAL QUALITY

#### Part III. Air

### Chapter 21. Control of Emission of Organic Compounds Subchapter A. General

#### §2120. Use of Incidental VOC Reductions to Demonstrate Reasonable Further Progress

A. Applicability. The provisions of this Section apply to sources designated pursuant to LAC 33:III.5101 and located in the ozone nonattainment area that includes the parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee and West Baton Rouge.

B. Emission reductions of VOCs achieved after November 15, 1990, through compliance with air toxic maximum achievable control technology (MACT) standards and ambient air standards (AAS) pursuant to LAC 33:III.Chapter 51 may be utilized by the Air Quality Division where necessary to demonstrate reasonable further progress (RFP) in accordance with Section 182(b)(1) of the Clean Air Act Amendments (CAAA) of 1990. Emission reductions available for use shall be identified by source and tonnage in the 15 percent VOC Reduction State Implementation Plan prepared pursuant to Section 182 of the CAAA.

C. The owner or operator of each source so identified in the State Implementation Plan (SIP) shall submit a permit application to incorporate VOC emission reduction measures into the permit no later than February 15, 1995. The permit

application shall contain all information required by LAC 33:III.517, including all information relative to the VOC emission reductions to be obtained through compliance with MACT and AAS. The permit application shall also include a compliance schedule for obtaining VOC emission reductions by November 15, 1996, as set forth by the SIP through the application of MACT (or compliance with AAS) as determined by the department pursuant to LAC 33:III.Chapter 51, and shall include compliance provisions specific to the source, including requirements and deadlines for compliance certification, testing, monitoring, reporting, and recordkeeping, which will meet the criteria specified in 40 CFR 70.6(a)(3) and LAC 33:III.507.H and which will assure that the reductions are maintained. The compliance schedule will have the force of a regulation pending issuance of a permit. Failure to comply with the provisions of the compliance schedule once approved by the department may result in enforcement action by EPA pursuant to the federal Clean Air Act or by DEQ pursuant to R.S. 30:2025.

D. Permit limits, terms, and conditions reflecting the emission reductions and corresponding compliance schedules and compliance measures shall be incorporated in a federally enforceable permit issued by the department in accordance with LAC 33:III.Chapter 5 no later than February 15, 1997.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20: (May 1994).

James B. Thompson, III  
Assistant Secretary

## RULE

### Office of the Governor Commission on Law Enforcement and Administration of Criminal Justice Crime Victims Reparations Board

#### Compensation to Victims (LAC 22:XIII.Chapters 1-5)

In accordance with the provisions of R.S. 1801 et seq., the Crime Victims Reparations Act, and R.S. 49:950 et seq., the Administrative Procedure Act, the Crime Victims Reparations Board has adopted rules and regulations relative to the awarding of compensation to applicants.

#### Title 22

### CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

#### Part XIII. Crime Victims Reparations Board

### Chapter 1. Authority and Definitions

#### §101. Authority

Rules and regulations are hereby established by the Crime Victims Reparations Board by order of the Crime Victims Reparations Act, R.S. 46:1801 et seq., Act 250 of the 1982 Louisiana Legislature.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 46:1801 et seq.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Crime Victims Reparations Board, LR 20: (May 1994).

### §103. Definitions

The following terms as used in these regulations, unless the context otherwise requires or unless redefined by a particular part hereof, shall have the following meanings:

**Accessory**—an accessory after the fact and also a principal, as defined by the Louisiana Criminal Code.

**Board**—Crime Victims Reparations Board.

**Child**—unmarried person under eighteen years of age; includes a natural child, adopted child, stepchild, illegitimate child, any of the above who is a student not over 23 years of age, and a child conceived prior to but born after the personal injury or death of the victim.

**Claimant**—victim or a dependent of a deceased victim, or the legal representative of either, an intervenor, or in the event of death, a person who legally assumes the obligation or who voluntarily pays the medical or the funeral or burial expenses incurred as a direct result of the crime.

**Collateral Source or Resource**—source of benefits for pecuniary loss awardable, other than under these rules, which the victim has received or which is readily available to him/her from any or all of the following:

- a. the offender under an order of restitution to the claimant imposed by a court as a condition of probation or otherwise;
- b. the United States or a federal agency, a state or any of its political subdivisions, or an instrumentality of two or more states;
- c. Social Security, Medicare, and Medicaid;
- d. Workers' Compensation;
- e. wage continuation programs of an employer;
- f. proceeds of a contract of insurance payable to the victim for pecuniary loss sustained by the victim by reason of the crime;
- g. a contract providing prepaid hospital and other health care services, or benefits for disability.

**Dependent**—spouse or any person who is a dependent of a victim within the meaning of Section 152 of the United States Internal Revenue Code.

**Intervenor**—a person who goes to the aid of another and is killed or injured in the good faith effort to prevent a crime covered by this Chapter, to apprehend a person reasonably suspected of having engaged in such a crime, or to aid a police officer, but does not include a peace officer, fireman, lifeguard, or person whose employment includes the duty to protect the public safety acting within the course and scope of his or employment.

**Pecuniary Loss**—amount of expense reasonably and necessarily incurred by reason of personal injury, as a consequence of death, or a catastrophic property loss, and includes:

- a. for personal injury:
  - i. medical, hospital, nursing, or psychiatric care or counseling, and physical therapy;
  - ii. actual loss of past earnings and anticipated loss

of future earnings because of a disability resulting from the personal injury;

- iii. care of a child or children enabling a victim or the spouse, but not both of them, to engage in gainful employment;

- b. as a consequence of death:

- i. funeral, burial, or cremation expenses;
- ii. loss of support to one or more dependents not otherwise compensated for as a pecuniary loss for personal injury;

- iii. care of a child or children enabling the surviving spouse of a victim to engage in lawful employment, where that expense is not otherwise compensated for as a pecuniary loss for personal injury;

- iv. counseling or therapy for any surviving family member of the victim or any person in close relationship to such victim, if such member or person was physically present and directly observed the commission of the crime;  
(*Pecuniary loss* does not include loss attributable to pain and suffering.)

- c. catastrophic property loss must be so great as to cause overwhelming financial effect on the victim or other claimant and shall be restricted to loss of abode;

- d. any other expense associated with the collection and securing of crime scene evidence.

**Reparations**—payment of compensation in accordance with the provisions of the act for pecuniary loss resulting from physical injury, death, or catastrophic property loss by reason of a crime enumerated in the act.

**Victim**—

- a. any person who suffers personal injury, death, or catastrophic property loss as a result of a crime committed in this state and covered by the act, but does not include a police officer, firemen, or person whose employment includes the duty to protect the public safety acting within the course and scope of his/her employment; or

- b. a Louisiana resident who suffers personal injury or death as a result of a crime described in the act at R.S. 46:1805 except that the criminal act occurred outside of this state and who shows that the state, territory, country, or political subdivision of a country in which the act occurred does not have a crime victims reparations law which covers personal injury or death suffered by the resident. In this subparagraph, *Louisiana resident* means a person who maintained a place of permanent abode in this state at the time the crime was committed for which reparations are sought.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 46:1801 et seq.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Crime Victims Reparations Board, LR 20: (May 1994).

## Chapter 3. Eligibility and Application Process

### §301. Eligibility

To be eligible for compensation, an individual must have suffered personal injury as a result of a violent crime.

#### 1. Contribution

- a. The Crime Victims Reparations Board will not make an award to a claimant who is a victim, or who claims an award of reparations through a victim, when any of the following occurs:

- i. the victim was convicted of a felony within five years prior to the incident giving rise to the claim;
- ii. there is good cause to believe that the victim engaged in an ongoing course of criminal conduct within five years or less of the criminally injurious conduct that is the subject of the claim;
- iii. the victim was engaging in an illegal activity at the time of the criminally injurious conduct that is the subject of the claim.

b. As Louisiana law requires all drivers and front seat passengers to use seat belts, victims not wearing a seat belt and injured or killed by a driver in violation of R.S. 14:98 (DWI), if found eligible otherwise, will have their award reduced. The total maximum award allowed under current policy will be reduced by 50 percent and will be paid directly to the claimant.

2. Collateral Sources

a. Restitution

i. the board reserves the right to make an award to a victim/claimant when a court of law has ordered restitution by the defendant;

ii. if the board makes an award, the court will be contacted with a request for a change in the court order to reflect that payments are to be made to the Crime Victims Reparations Fund for the amount paid by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Crime Victims Reparations Board, LR 20: (May 1994).

**§303. Application Process**

A. Victim/Claimant Responsibility

1. Applications must be sent to the sheriff's office in the parish where the crime occurred. Those that are sent directly to the board office will have the date received entered on the application and then will be sent to the appropriate sheriff's office.

2. The applications must be signed and dated by the victim/claimant. Only original signatures, no copies, will be accepted. If the victim is a minor, the parent or guardian is the claimant and must sign. If the victim is deceased, the person responsible for the bill is the claimant and must sign the application.

3. The claimant must list each expense being claimed.

4. An itemized bill, not a billing statement, must accompany the application for each expense claimed.

5. The bills must show the victim/claimant as the guarantor. The board will not accept any bills which indicate the board or the sheriff's office is the guarantor.

6. The victim/claimant must file a supplemental application to claim expenses which arise after the original award has been made.

B. Sheriff's Office Responsibility

1. Each sheriff will designate at least one staff member to handle the applications of crime victims for the board.

2. The sheriff's staff person, called the claim investigator, will distribute the most current applications, receive, process, and forward them to the board office in a timely manner.

C. Board Staff Responsibility

1. The board staff will prepare a summary of each application, giving the maximum allowable award for each category according to current policy.

2. Applications will be placed on an agenda according to the date received at the board office.

3. A consent agenda will be used. Those applications which are approved by the individual board members will be placed on the agenda for the next meeting on the consent ballot which will be circulated at the meeting.

D. Appeals

1. If an application is denied and the victim/claimant desires to appeal the board's decision, the victim/claimant must file the appeal within 60 days from the date of the denial letter.

2. The appeal letter should furnish the board with any new information not yet provided that the victim/claimant desires to have presented.

3. The appeal will be scheduled for the next available agenda.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Crime Victims Reparations Board, LR 20: (May 1994).

**Chapter 5. Awards**

**§501. Payment of Awards**

A. Only verified expenses can be reimbursed.

B. When applications lack documentation necessary for a decision or award in total or in part, and adequate effort has been made to acquire that information, the application will be placed on an agenda and the decision and award will be based on that information available. Should the formerly sought information become available, a supplemental application can be filed.

C. Awards to eligible victims or claimants for expenses incurred but not yet paid may be made payable directly to the providers.

D. All checks to providers when paid at less than the full balance owing are marked "PAID IN FULL."

E. If a provider refuses a board check, the check will be reissued to the claimant for the same amount as approved.

F. In those instances in which:

- 1. an application has been approved for an award; and
- 2. payment is being made directly to the provider; and
- 3. the check either has not been sent or has not been negotiated by the provider; and

4. the claimant notifies the board that he has paid the bill, upon verification and return of the check, the check will be voided and reissued for the same amount to the claimant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Crime Victims Reparations Board, LR 20: (May 1994).

**§503. Limits on Awards**

A. General

1. There will be a \$10,000 cap for awards for all victims with the exception of those victims whose injuries are both total and permanent. For those applications, the board may,

at its discretion, award up to \$25,000 depending on availability of funds, lack of collateral resources, and the showing of necessitous circumstances.

2. Any application which is filed as the result of the death of the victim and involves in addition to funeral expenses, expenses for loss of support, care of dependent children for the surviving spouse to work, or counseling for family witnesses, will be assigned one claim number and tracked as a single claim with the deceased listed as the sole victim. Each claimant with separate expenses to claim will complete and sign an application. Those will be assigned the same claim number as they are considered expenses for that victim. The aggregate claims will be subject to the single cap of \$10,000.

#### B. Attorney Fees

1. The board does not reimburse victims for fees charged by an attorney to prepare an application or represent the victim in any way unless the fees result from a hearing ordered by the board.

2. Those reimbursable charges are set at a maximum of \$50 per hour for a total of five hours or \$250.

3. The appeals process does not constitute a hearing. Thus, any fees charged by an attorney to represent a victim/claimant at an appeal are not compensable.

#### C. Funeral Expenses

1. A maximum cap of \$2000 for all services exists. This is to cover the costs of the funeral.

2. Death and/or burial insurance taken out specifically for the purpose of burial must pay first. The amount of life insurance proceeds paid may be considered as a collateral source.

3. The remaining unpaid bills may be reimbursed by the board up to its ceiling and within its limits depending on the basis of need.

#### 4. Documents required:

- a. death certificate signed by the coroner;
- b. funeral/burial verification form completed by a representative of the funeral home; and
- c. itemized bills for services/goods provided.

#### D. Lost Wages/Earnings

1. When lost wages are part of a claim, lost wages will be considered before out-of-pocket or other medical expenses are considered.

2. The inability to work must be directly related to the victimization and documented by the appropriate medical doctor. That medical opinion is subject to professional review and audit.

3. Violently assaulted victims who do not require medical intervention (i.e., doctor visit, emergency room treatment) will be allowed a reimbursable recuperation period:

- a. if no sick time or other compensation is available, the board may grant up to five working days of lost wages;
- b. wage verification by the employer is required.

4. The board will reimburse lost wages/earnings with a maximum of \$5,200:

- a. the board will award up to \$200 per week based on net, after-tax, or take home pay;
- b. if only gross income is provided, the board will award at 80 percent of gross up to the \$200 cap.

5. Vacation, annual, personal, and sick leaves, if

available, shall be used by the victim during the disability period and are not reimbursable expenses.

6. If workers' compensation or other private disability/income protection insurance is available, those policies must be paid out first before the board considers a claim for lost wages.

7. If a victim does not return to work, the lost wage period will be no longer than the payment period paid by the workers' compensation program.

8. If a person is not gainfully employed or is not receiving entitlement at the time of the crime, then no lost wages can be determined nor awarded.

#### 9. Documents required:

- a. employment/wage verification form completed and signed by the employer;
- b. medical expense verification form signed by the physician, stating injuries are crime related and giving the disability period;
- c. individual federal or state tax return for the last year before the crime; and
- d. all W-2 statements of the victim that were filed with the tax return.

10. Only the following list of physicians can legally determine physical disability:

- a. medical doctor;
- b. oral surgeon;
- c. psychiatrist;
- d. physiatrist;
- e. ophthalmologist;
- f. surgeon.

11. If a victim is initially treated by one doctor and that doctor refers the victim to another doctor, the referral doctor can determine disability from the date of the incident.

12. Lost earnings will require the same documents with the exception of the employer/wage verification form.

#### E. Loss of Support

1. For loss of support for a surviving spouse or other dependent to be considered, the following documentation must be provided:

- a. death certificate signed by the coroner;
- b. individual federal and state tax return for year before the crime to show dependency of claimant;
- c. employment/wage verification completed and signed by the victim's employer;
- d. verification of life insurance claimed by dependent filing application; and
- e. documentation that Social Security or other pension benefits are not available to surviving spouse or dependents.

2. Loss of support for a surviving spouse may be awarded at the discretion of the board when no other collateral resources exist and the inability to work exists or the opportunity to find work could be delayed due to age, frailty, and lack of previous work experience.

3. The board will reimburse loss of support with a maximum of \$5200.

- a. The board will award up to \$200 per week based on net, after-tax, or take home pay.
- b. If only gross income is provided, the board will award at 80 percent of gross up to the \$200 cap.



#### F. Ambulance

1. A maximum cap of \$250 exists for transport.
2. Air transport services are considered ambulance services and reimbursed as such.
3. The board will pay 65 percent of the outstanding balance of the medical portion of the transport bill.
4. If the ambulance bill is part of the total hospital bill and the total hospital bill is under \$10,000, the ambulance transfer bills will be isolated and paid separately. If the total bill is over \$10,000, the ambulance charges will not be isolated for payment.

#### G. Medical Expenses

1. The board reserves the right to audit any and all billings associated with medical care. All treatment must be considered "usual and customary" and be directly related to the victimization.

2. The board will not pay any interest, finance, or collection fees as part of the claim process.

3. The board will pay only 65 percent of all outstanding charges after any third-party payment sources up to the statutory limits.

4. If the total outstanding charges exceed the case cap of \$10,000, then all providers listed in the claim will be paid out at that actual percentage those bills are in relation to the available case funds.

5. Out-of-pocket paid monies will be reimbursed to the victim prior to applying this payment schedule.

6. For mental health services as a medical expense, the following will apply:

a. this expense will only be considered under the most unusual and controlled circumstances. Otherwise, the current out-patient caps will apply to all mental health services;

b. all psychiatric hospitalized in-patient care is subject to the following caps:

i. the board will not reimburse for any intake evaluation or psychological testing;

ii. the board will not reimburse for any more than one in-patient treatment, group or individual, per day. Support or family day sessions and "community" meetings are not reimbursable;

iii. all provider/therapist's charges are reimbursed at the same hourly rate as out-patient mental health services, that is:

- |      |                              |               |
|------|------------------------------|---------------|
| (a). | M.S./M.S.W (L.P.C./B.C.S.W.) | \$60/hour;    |
| (b). | Ph.D./M.D. (Board Certified) | \$75/hour;    |
| (c). | Group therapy                | \$25/session. |

c. no occupational therapy nor recreational therapy charges are reimbursable. Charges for "special school" services are not reimbursable;

d. no medication or macrobiotic supplements other than traditional psychiatric medications and analgesics are reimbursable;

e. payment for all allowable charges will be made at 50 percent rate and payment will be marked "PAID IN FULL. Acceptance of this payment indicates acceptance as payment in full;"

f. all collateral sources must pay out limits before the board will consider payment. All outstanding bills after such third-party payment will be subjected to the above limits and caps.

7. Only those medicines and drugs prescribed by a licensed physician are compensable.

8. Reimbursable providers include licensed medical doctors, dentists, eye doctors, chiropractors, osteopaths, pediatricians, psychiatrists, psychologists, physical therapists, etc.

9. Compensable medical services include emergency ambulance service, medical examinations, x-ray and laboratory services, whirlpool baths ordered by a doctor.

10. Only services of a nurse as prescribed by a licensed physician are compensable.

11. Aids such as hearing aids, false teeth, eyeglasses, contact lenses, crutches, and wheelchairs needed as a direct result of the crime or that were damaged or destroyed during the crime are compensable.

12. Documents required include:

a. itemized bills;

b. copies of canceled checks showing payments by victim/claimant;

c. copies of applicable insurance explanation of benefits.

H. Travel Expenses. Transportation costs other than the initial ambulance service are reimbursable only when required medical care is not available locally. Certification is required by the physician of record that local medical care is unavailable. Allowable private vehicle mileage for out of town travel is reimbursed at \$.25 per mile.

#### I. Mental Health Counseling

1. It is the board's opinion that the majority of those victimized by violent crime will not require long-term counseling, but may need crisis management counseling services. Short-term counseling may be needed for another segment of the victim population.

2. A total services cap exists of \$2000 maximum for the life of the case.

3. The board will compensate only one session per week, individual or group therapy, for a total of 26 weeks maximum.

4. Such services are capped at six months from the date of the first visit. Board approval must be obtained in advance for any extension beyond this time limit. Extenuating circumstances have to be marked and substantially documented.

5. Treatment plans completed by the therapist of record are required for consideration of mental health expenses. The therapist must state that the psychological trauma involved is a direct result of the crime. Treatment plans must be fully documented in a "problem" and "intervention" type of format. Detail must be provided for both symptom and intervention. Single word descriptors such as "nightmares" or "supportive counseling" will not suffice. Such treatment plans will be returned and the case deferred or denied until revised. Periodic review will be requested for any unusual activity or charges.

6. No reimbursement for evaluation, testing, preparation of reports, or court support time will be made.

7. All payments for services are open to audit by the board.

8. Providers must be "State of Louisiana Board" licensed psychiatrists, professional psychologists, professional counselors, or certified social workers and are reimbursed at

the following rates

- a. M.D. Board Certified Psychiatrists \$75/hour;
- b. Ph.D. Licensed Psychologists \$75/hour;
- c. M.S. Licensed Professional Counselors \$60/hour;
- d. M.S.W. Board Certified Social Worker \$60/hour;
- e. Group therapy rates \$25/session(90 minute minimum session).

9. The board will not compensate services performed by unlicensed providers or any other licensed provider not included above (e.g., R.N., BCSAC, etc.)

10. Psychiatric inpatient hospitalization is not promoted by the board. If under very unusual circumstances such is required, prior approval and notice must be secured from the board. All such treatment is limited to the caps and procedures listed under "medical" services.

11. For crimes of the past that are discovered later on in a victim's life, the board will not consider payment on those incidents for those victims over the age of majority (18 years) that exceed a three-year period between the incident and the exposure of the memory of the incident.

#### J. Catastrophic Property Loss

1. A maximum of \$10,000 may be awarded if a victim's abode is owned and the abode/contents are destroyed by criminal act.

2. This must produce a "verifiable" overwhelming financial effect for that person.

3. This is considered when no insurance exists or the ability to rehabilitate the structure is precluded due to lack of personal resources.

4. In order to prove "verifiable" loss, the victim must submit tax returns for the two prior years, a statement of net worth, a copy of homeowners's policy, a copy of the insurance claim adjustor's report, and the Fire Marshal's Incident Report, if applicable.

#### K. Vehicular Incidents

1. Eligible expenses include those resulting from death or personal injury as outlined in the statute if they are incurred resulting from DWI or hit and run offenses, fleeing felon incidents, or injuries intentionally inflicted with a motor vehicle, boat or aircraft.

2. Vehicular accident related injuries, other than those caused by the above are not compensable.

3. Documents required include:

- a. Motor Vehicle Traffic Accident Report; and
- b. results of blood alcohol test or drug screen where applicable.

#### L. Child Care Expenses

1. A maximum cap of \$1,000 exists for eligible child care expenses.

2. The board may award up to \$50 per week per child, up to a maximum of \$100 per week per family.

3. The service provider need not be licensed; however, if the provider is not licensed, the board will pay up to 50 percent of the standard rate.

4. Documents required include:

- a. copies of bills or receipts which indicate total costs for child care expenses;
- b. copies of canceled checks indicating payment;
- c. copies of previous year tax return to indicate

dependent child status; and

d. copies of any applicable court documents indicating legal responsibility claimant has over dependent child.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Crime Victims Reparations Board, LR 20: (May 1994).

Fernest Benoit  
Chairman

## RULE

### Office of the Governor Division of Administration Office of Contractual Review

#### Retroactive Claims Recovery Services (LAC 34:V.103)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Office of the Governor, Division of Administration, Office of Contractual Review hereby adopts the following rule.

#### Title 34

### GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY CONTROL

#### Part V. Procurement of Professional, Personal, Consulting and Social Services

#### Chapter 1. Procurement of Professional, Personal, Consulting and Social Services

#### Subchapter A. General Provisions

#### §103. Definitions and Classes of Contractual Services

The following services shall be contracted out in accordance with these regulations:

A. - B. ...

C. *Consulting Service*—work, other than professional, personal or social service, rendered by an independent contractor who possesses specialized knowledge, experience, and expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis, or advice in formulating or implementing programs or services or improvements in programs or services, including, but not limited to, such areas as management, data processing, advertising and public relations. *Consulting Services* includes the procurement of supplies and services by a contractor without the necessity of complying with provisions of the Louisiana Procurement Code when such supplies and services are merely ancillary to the provisions of consulting services under a contingency fee arrangement, even though the procurement of supplies or services directly by a governmental body would require compliance with the Louisiana Procurement Code. Supplies or services ancillary to the provision of consulting services are those supplies or services which assist the contractor in fulfilling the objective of his contract where the cost for such supplies and services, as determined by the using agency. No contract for consulting services as defined in Subsection C of §103 this Paragraph

shall be entered into unless it has been approved in advance by the Joint Legislative Committee on the Budget.

*Retroactive Claims Recovery Services*—are those consulting services where third party coverage identification and verification represent the primary services, and any operations type activities such as data processing and/or claims submission are merely incidental to the total work tasks to be performed, and where such services will result in revenue enhancement to the state through a contingency fee arrangement. The RFP process for this type of consulting service shall require that at least 50 percent of total weighted criteria for evaluation be allocated to cost.

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984), amended LR 17:264 (March 1991), LR 20: (May 1994).

Susan H. Smith  
Director

## RULE

### Office of the Governor Office of Elderly Affairs

#### Adult Protective Services (LAC 4:VII.1239)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) has amended the GOEA Policy Manual, effective May 20, 1994. The purposes of this rule change are to reflect current practice based on budget and staff levels in the Adult Protective Services for the Elderly program and to delete from policy all procedural matters. The procedures will be incorporated into a procedures manual. The proposed rule change complies with R.S. 14:403(2).

#### Title 4

#### ADMINISTRATION

#### Part VII. Governor's Office

#### Chapter 11. Elderly Affairs

#### §1239. Adult Protective Services for the Elderly

\* \* \*

C.1. Intake. The intake process includes those activities whereby reports concerning the abuse, neglect and/or exploitation of adults are received, evaluated for appropriateness, and either accepted or not accepted for investigation. All intake information shall be documented on Form EPS-1.

2. - 7.a. ...

b. If a report is not accepted for investigation, the action taken on the report must be documented on Form EPS-1.

D.1. - 2. ...

3.a. High Priority Cases. Investigation shall be initiated

within eight work-day hours of receipt of the report.

3.b. - 5. ...

6. Time Frame. The investigation shall be completed and a decision made regarding disposition of the case within 45 calendar days of the date the initial report was received. If this time frame cannot be met, the reasons must be documented in the case record.

7. Report to the District Attorney. A report shall be sent to the district attorney on all cases where it appears after investigation that an adult has been abused and neglected by a third party or parties and that the problem cannot be remedied by APS through extrajudicial means. A list of services which are available to ameliorate the abuse and neglect situation shall be provided in the report. Such reports shall be reviewed and approved by the APS program manager or his/her designee prior to referral.

#### 8. Exceptions to APS Investigation Procedures

##### a. Not Accepted for Investigation

i. Spouse Abuse. Allegations of spouse abuse will not be accepted for investigation unless the adult meets the criteria for eligibility as described in §1239.C.2. Reporters who allege spouse abuse for adults not eligible for adult protective services shall be referred to local law enforcement agencies or to battered women's shelters, if appropriate.

ii. Licensed and Certified Nursing Facilities (includes all Title XIX facilities). Allegations of abuse/neglect of an adult who resides in a nursing facility shall not be accepted for investigation except as provided below. Reporters will be referred to the Department of Health and Hospitals, Bureau of Health Standards, Baton Rouge, LA and/or to the State Long-Term Care Ombudsman Program. The exception to this rule is cases where a resident of a nursing facility is alleged to be abused or exploited by someone outside the facility or while visiting outside the facility.

iii. Mental Health and Mental Retardation Facilities. Allegations of abuse/neglect of an adult who resides in a facility, group home or hospital operated by the Division of Mental Health or Mental Retardation/Developmental Disabilities shall not be accepted for investigation. Reporters shall be referred to the appropriate regional level offices.

b. Accepted for Investigation: Board and Care Homes. Allegations of abuse/neglect of an adult who resides in a board and care home may be accepted for investigation. Such reports should also be reported to the Department of Social Services, Division of Licensing, and the State Long-Term Care Ombudsman Program.

#### E. Services

1. Service Assessment. When a decision has been made that a case is valid and the adult consents to services or lacks the ability to make a competent decision, a service assessment shall be conducted and a plan developed.

##### 2. Service Plan

a. Development. The service plan is the basis for the activities that the APS worker and service providers will undertake. The focus of the service plan is time limited and it is expected that involvement of the APS worker in the case will not exceed three months. Therefore, time frames for service delivery which require APS worker participation should take this limitation into consideration.

b. Participation of the Adult. All aspects of the service plan shall be developed with the ongoing participation and involvement of the mentally competent adult. For other adults, the following situations may apply.

i. When the adult has a legally appointed curator (guardian), that person is the spokesperson for the adult.

ii. When the adult has an informal (nonlegal) representative, usually a family member (not an alleged perpetrator), this person should participate in the development of the service plan.

iii. When the adult appears to be mentally incapacitated but does not have either a legal or nonlegal representative, the APS worker should obtain as much participation as is feasible and practical, dependent upon the adult's current situation.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 14:403.2.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 19:327 (March 1993), amended LR 20: (May 1994).

James R. Fontenot  
Director

## **RULE**

### **Department of Health and Hospitals Board of Examiners of Licensed Professional Counselors**

#### **Declaration of Practices and Procedures (LAC 46:LX.Chapter 21, Appendix)**

In accordance with R.S. 37:1101-1115 et seq. and the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Examiners for Licensed Professional Counselors has amended Title 46:LX, Chapter 21, Appendix.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part LX. Professional Counselors, Board of Examiners of**

#### **Chapter 21. Code of Conduct**

##### **Appendix**

#### **Declaration of Practices and Procedures Statement for Licensed Professional Counselors**

A. The following comprises the information that must be available in writing for each client seen by a licensed professional counselor/counselor intern in the state of Louisiana. Counselors must read and incorporate the Code of Conduct for Professional Counselors in their declaration statement.

1. LPC/counselor intern's name, mailing address, and telephone number.

2. Qualifications:

a. include degrees earned and institution(s) attended;  
b. give licensure number, specifying the LPC Board of Examiners including address and telephone number as the grantor of license;

c. an individual under supervision must refer to him/herself as a counselor intern and include the name and address of his/her board-approved supervisor.

3. Counseling Relationship:

a. provide a general statement about the dynamics of the counseling relationship;

b. include general goals for clients.

4. Area of Expertise:

a. list areas of expertise such as career counseling, marriage and family counseling, adolescents, etc;

b. list national certifications in counseling.

5. Fee Scales:

a. list fees and describe billing policies;

b. describe policy on scheduling and breaking appointments;

c. state policy on insurance payments.

6. Explanation of the Types of Services Offered and Clients Served:

a. include the theoretical basis and the type of techniques and/or strategies used in therapy;

b. specify the modality used such as group and/or individual therapy;

c. specify the type(s) of clients served.

7. Code of Conduct: indicate that counselors are required by state law to adhere to the Code of Conduct for their practice which is determined by the Louisiana Licensing Board, and that a copy of this Code is available on request.

8. Privileged Communication: describe the rules governing privileged communication and include the limits of confidentiality.

9. Emergency Situations: describe policy for emergency client situations.

10. Client Responsibilities: list client responsibilities, i.e., clients are expected to follow office procedures for keeping appointments, clients must pay for services at the time of each visit, and clients must notify the counselor of any other ongoing professional mental health relationship. If a client is seeing another mental health professional (psychologist, board-certified social worker, etc.), then permission must be granted by the first therapist for the second to work with the same client. (See Code of Conduct)

11. Physical Health: suggest that client have a complete physical if he/she has not had one within the past year. Also have client list any medications that he/she may be taking.

12. Potential Counseling Risks: indicate that as a result of mental health counseling, the client may realize that he/she has additional issues which may not have surfaced prior to the onset of the counseling relationship. The counselor may also indicate possible risk within specific specialty areas (i.e., marriage and family - as one partner changes, additional strain may be placed on the marital relationship if the other partner refuses to work).

13. It is also required that a place be provided for the signatures of the counselor/counselor intern, the client(s), and the counselor intern's supervisor. A general statement indicating that the client has read and understands the declaration statement and the date of the signature must also be included.

B. To practice mental health counseling in Louisiana the

Licensed Professional Counselor must have a copy of his/her declaration statement on file in the LPC Board office. A current declaration statement must be attached to all license renewals. The counselor intern must include a copy of his/her declaration statement with his/her Registration of Supervision. The Code of Conduct can be duplicated for clients and additional copies are available from the board.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1101-1115.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Examiners, of Professional Counselors, LR 15:627 (August 1989), amended LR 20: (May 1994).

Peter M. Emerson, Ed.D., LPC  
Board Chair

## RULE

### Department of Health and Hospitals Office of Public Health

#### Sanitary Code—Safe Drinking Water (Chapter XII)

In accordance with the provisions of the Administrative Procedure Act, the Department of Health and Hospitals, Office of Public Health, Safe Drinking Water Program, amends Chapter XII (Water Supplies) of the Sanitary Code, State of Louisiana, to incorporate certain regulations which have been promulgated by USEPA under the Safe Drinking Water Act, but have not yet been incorporated into the Sanitary Code. To accomplish this, paragraph 12:001 of the Sanitary Code, "Definitions", is amended by adding six additional *Federal Register* references to the list contained in the definition of "national primary drinking water regulations".

These additional *Federal Register* references are incorporated into the Sanitary Code in order that Louisiana can maintain its primacy role in implementing all parts of the national primary drinking water regulations pursuant to applicable provisions of P.L. 99-339, the "Safe Drinking Water Act."

These six additional *Federal Register* references deal with monitoring of public water supplies for inorganic chemicals, synthetic organic chemicals, and volatile organic chemicals (all together known as Phase II/V), and for lead and copper (known as the lead and copper rule). Louisiana is already implementing these federal regulations; however, enforcement authority remains with the USEPA until they are incorporated into state law.

Paragraph 12:001 will now read:

#### Chapter XII Water Supplies

#### 12:001 Definitions

\* \* \*

National primary drinking water regulations are regulations (40 CFR Parts 141 and 142) promulgated by the U.S. Environmental Protection Agency pursuant to applicable provisions of P.L. 99-339, the "Safe Drinking Water Act", and as published in the *Federal Register* of December 24,

1975, pages 59566 through 59574; July 9, 1976, pages 28402 through 28409; November 29, 1979, pages 68624 through 68707; March 11, 1980, pages 15542 through 15547; August 27, 1980, pages 57332 through 57357; March 12, 1982, pages 10998 through 10999; April 2, 1986, pages 11396 through 11412; July 8, 1987, pages 25690 through 25717; October 28, 1987, pages 41534 through 41550; January 30, 1991, pages 3578 through 3597 (Phase II); June 7, 1991, pages 26547 through 26564 (lead and copper rule); July 1, 1991, pages 30274 through 30281 (Phase II B); July 15, 1991, page 32113 (lead and copper rule corrections); June 29, 1992, pages 28788 through 28789 (lead and copper rule corrections); and July 17, 1992, pages 31838 through 31849 (Phase V).

\* \* \*

Rose V. Forrest  
Secretary

## RULE

### Department of Health and Hospitals Office of Public Health

#### Sanitary Code—Shellfish (Chapter IX)

The Department of Health and Hospitals, Office of Public Health is hereby amending Chapter IX of the Sanitary Code, state of Louisiana, Section 9:004, 9:006, 9:051 and 9:052. The Department of Health and Hospitals, Office of Public Health is also amending Chapter IV of the State of Louisiana food, drug and cosmetic regulations. Sections 49:6.1240 and 49:6.2010 are amended as follows:

#### Sanitary Code

#### Chapter IX. Seafood

#### 9:004 Transplanting of Shellfish

No person shall engage in the business of transplanting shellfish from waters not approved for direct market harvesting by the state health officer prior to obtaining a permit for that purpose from the Department of Health and Hospitals, Office of Public Health. Growing waters to be utilized for shellfish transplanting purposes must meet or exceed the Department of Health and Hospitals' criteria for a restricted area classification. Applications shall be completed and submitted with a fee of \$50, which shall be paid by cashier's check or money order and filed not less than 14 days prior to the beginning of such proposed transplanting. Transplanting of shellfish shall be permitted only during the first two weeks of each calendar month.

#### 9:004-1

A \$5,000 cash performance bond consisting of a bank cashier's check made payable to the Department of Health and Hospitals shall be submitted with each completed application. In addition to the bond, a permittee, at his own expense, shall secure the services of a surveillance officer approved by the Department of Health and Hospitals and the Department of Wildlife and Fisheries for the purpose of monitoring all harvesting, transporting and bedding of shellfish for transplanting purposes. In order to satisfy the monitoring

requirement, all harvesting, transporting and bedding of shellfish for transplanting purposes shall take place in the direct line of sight of the state-approved surveillance officer.

#### **9:004-2**

Permits shall be granted at the discretion of the Department of Health and Hospitals under the following restrictions:

A. No permittee, boat captain or crew member may serve on any vessel subject to this permit who has been cited or found guilty of violations relative to the harvesting of shellfish within three years of the application date; provided, however that said permittee, crew member or boat captain may receive a waiver of this condition with regard to those citations which did not result in a conviction upon the appropriate showing being made to the Department of Wildlife and Fisheries.

B. That shellfish transplanted from restricted waters, as established by the state health officer from sanitary surveys of the area and bacteriological examination of the water, shall remain down in approved waters for the remainder of the permitted month or no less than 15 days. No part of any lease on which shellfish have been transplanted may be utilized for direct market harvesting during the entire active period of the transplant permit.

C. That shellfish harvested for transplanting purposes from restricted waters shall not be laid down within 500 feet of any adjoining lease where shellfish may be taken for sale as food during the active period of the transplant permit.

D. That sacking of shellfish, storage of empty shellfish sacks on board permitted or authorized transplanting vessels and/or the direct marketing of shellfish taken from waters not approved for that purpose by the state health officer shall be strictly prohibited.

E. That culling of shellfish shall be permitted only when container relaying is practiced and written authorization is obtained from the Department of Health and Hospitals.

F. That only two leases in the restricted area and approved bedding area, each preapproved by the Department of Health and Hospitals, shall be utilized in the transplanting of shellfish.

G. That the permittee shall be responsible for notifying the Department of Wildlife and Fisheries prior to leaving port to transplant shellfish and immediately upon returning from permitted trip each day. The Department of Wildlife and Fisheries shall be notified by calling 1-800-442-2511.

H. That all leases shall be "red flagged" so that they may be easily spotted by both aircraft and boats. "Red flagged" as used in this Paragraph, means that the four outside corners of the lease must be marked with poles with red flags attached.

I. That all activities relative to the transplanting of shellfish shall be permitted only during daylight hours with all activities completed no later than 30 minutes after official sunset. Applicants may apply for a written exemption to this requirement when the distance between the restricted area and bedding area is such that compliance is not possible.

J. That both sides of the permitted vessel shall be marked with the permit number in at least 6-inch high letters on a contrasting background so as to be visible from low flying aircraft or from any other vessel in the immediate vicinity.

K. That a copy of the complete transplant permit and applicable rules shall be on board each authorized vessel at all

times during the active period of the transplant permit.

L. That the harvesting of shellfish for transplanting purposes within 150 feet of any sewage discharge point emanating from any camp, home, or other habitable structure shall be prohibited.

#### **9:004-3**

An official Department of Health and Hospitals' "Surveillance Officers Daily Trip Report" must be completed each day by the surveillance officer and mailed to the Department of Health and Hospitals, Seafood Sanitation Unit after each completed day of transplanting.

#### **9:004-4**

Failure to comply with any of the permitting requirements specified in Sections 9:004 through 9:004-3 shall result in the following administrative actions:

A. The transplant permit and all transplant permitting privileges shall be immediately suspended by the Department of Health and Hospitals or the Department of Wildlife and Fisheries.

B. All shellfish harvested for transplanting purposes in violation of permitting requirements shall be returned to the original growing waters or destroyed at a permittee's own expense.

C. If said charges are upheld in an administrative hearing, the following additional penalties shall be imposed:

1. Transplant permitting privileges shall be denied for a period of three years.

2. The \$5,000 cash bond posted by the permittee shall be forfeited and retained by the state.

#### **9:006 Construction and Cleanliness of Shellfish Boats**

All boats utilized for the harvesting or transporting of shellfish shall be provided with a false deck or bottom to prevent the contamination of shellfish with bilge water. For the purpose of this regulation bilge water may be defined as any water that collects in the lowest inner part of a boat's hull. Decks, holds, or bins used for storage of shellfish shall be washed daily with either potable water, or water drawn from an approved growing area. Unless otherwise exempted in writing by the Department of Health and Hospitals, a suspended awning shall be provided on harvest boats to protect shellfish from direct exposure to sun, birds, and other adverse conditions. Small children in diapers, dogs, cats or other forms of wildlife shall not be permitted on board harvesting vessels while shellfish are being fished or transported. Violation of any of the requirements in this Section shall result in one of the following penalties:

A. Shellfish shall be seized and destroyed at violator's expense.

B. Shellfish shall be bedded on a Department of Wildlife and Fisheries managed seed reservation at violator's expense.

#### **9:051 Refrigeration of Shell-Stock Oysters, Clams and Mussels**

Shell-stock shall be placed under mechanical refrigeration at a temperature not to exceed 45°F within three hours after docking of harvesting vessels, and shall be maintained at or below that temperature throughout all levels of commerce. Shell-stock, other than for delivery to an in-state certified shellfish shipper located within 50 miles or one hour of docking area shall be transported in mechanically refrigerated trucks at a temperature not to exceed 45°F.

During the time period April 1 through November 30, all shell-stock fishermen without effective on-board mechanical refrigeration capability shall be responsible for having their shell-stock delivered to dockside for unloading no later than 12 midnight each day. The use of ice as a means of refrigerating shell-stock shall be prohibited. If fishermen elect to harvest shell-stock for bedding purposes during the April 1 - November 30 time period, the one-day harvesting requirement may be waived under the following conditions:

A. That the sacking or containerizing of shellfish shall be prohibited during the time period when shell-stock are harvested, transported and bedded.

B. That the storage of empty sacks or other shellfish containers aboard an authorized harvesting vessel shall be prohibited during the time period when shellfish are harvested, transported and bedded. Shell-stock not refrigerated in accordance with the aforementioned requirements shall be deemed adulterated and shall be seized and destroyed, or bedded on a Department of Wildlife and Fisheries managed seed reservation at the violator's expense.

#### **9:052 Checking on Condition of Molluscan Shellfish in Growing Waters Closed by the State Health Officer**

No person shall engage in the business of checking on the condition of molluscan shellfish in growing waters closed by the state health officer prior to obtaining a permit for that purpose from the state health officer. Applications shall be completed and submitted with a fee of \$50, which shall be paid by cashier's check or money order and filed not less than 14 days prior to the beginning of such proposed checking activities. One-day permits shall be granted only during the first two weeks of each calendar month.

##### **9:052-1**

A \$1,000 performance bond consisting of a bank cashier's check or property bond made payable to the Department of Health and Hospitals shall be submitted with each completed application. In addition to the bond, a permittee, at his own expense, shall secure the services of either a bonded security guard from an agency licensed by the state of Louisiana, or a commissioned municipal, parish, or state police officer for the purpose of monitoring all checking activities. In order to satisfy the monitoring requirement, all checking of shellfish in closed waters must take place in the direct line of sight of an agent approved by the Department of Health and Hospitals or the Department of Wildlife and Fisheries.

##### **9:052-2**

Permits shall be granted at the discretion of the Department of Health and Hospitals with the following restrictions:

A. No permittee, boat captain or crew member may serve on any vessel subject to this permit who has been cited or found guilty of violations relative to the harvesting of shellfish from closed areas within three years of the application date; provided, however that said permittee, crew member or boat captain may receive a waiver of this condition with regard to those citations which did not result in a conviction upon the appropriate showing being made to the Department of Wildlife and Fisheries.

B. That sacking of shellfish and storage of empty shellfish sacks on board permitted or authorized vessel utilized in the checking of shellfish shall be strictly prohibited. No more

than one bushel of shellfish may be on board an authorized vessel at any given time.

C. That culling of shellfish shall be strictly prohibited.

D. That only five leases in the closed growing waters shall be utilized in the checking of shellfish.

E. That the permittee shall be responsible for notifying the Department of Wildlife and Fisheries prior to leaving port to check shellfish under permitted conditions and immediately upon returning from permitted trip. The department shall be notified by calling 1-800-442-2511.

F. That all activities relative to the checking of shellfish in closed growing waters shall be permitted only during daylight hours with all activities completed no later than 30 minutes after official sunset.

G. That only one vessel may be utilized and both sides of the permitted vessel shall be marked with the permit number in at least 6-inch high letters on a contrasting background so as to be visible from a low flying aircraft or from any vessel in the immediate vicinity.

H. That a copy of the shellfish checking permit and applicable rules shall be on board the authorized vessel at all times on the active day of permit.

##### **9:052-3**

Failure to comply with any of the permitting requirements specified in Sections 9:052 - 9:052-2 shall result in the following administrative actions:

A. The shellfish checking permit and all applicable privileges shall be immediately suspended by the Department of Wildlife and Fisheries or the Department of Health and Hospitals.

B. If said charges are upheld in an administrative hearing, the following additional penalties shall be imposed:

1. Shellfish checking and shellfish transplant permitting privileges shall be denied for a period of three years.

2. The \$1,000 cash or property bond posted by the permittee shall be forfeited and retained by the state.

#### **Food, Drug and Cosmetic Regulations**

##### **Chapter 4, Part I**

##### **Shellfish Depuration Regulations**

##### **49:6.1240 Depuration - Harvesting Permit**

A. Any person, firm or corporation engaging in the business of harvesting shellfish for depuration purposes from areas not approved by the state health officer for direct market harvesting shall be required to have an unsuspended or unrevoked harvesting-for-depuration permit issued by the Department of Health and Hospitals. Growing waters to be utilized for harvesting purposes must meet or exceed the Department of Health and Hospitals' criteria for restricted area classification. A fee of \$50 shall be charged for each 30-day permit.

B. Harvesting-for-depuration permits shall be granted only to responsible individuals with no recent history of illegal harvesting violations under the following conditions:

1. No permittee, vessel captain or crew member may serve on any vessel subject to this permit who has been cited or found guilty of violations relative to the harvesting of shellfish within three years of the application date; provided, however that said permittee, crew member or vessel captain may receive a waiver of this condition with regard to those

citations which did not result in a conviction upon the appropriate showing being made to the Department of Wildlife and Fisheries.

2. A \$5,000 cash performance bond consisting of a bank cashier's check or money order made payable to the Department of Health and Hospitals shall be posted by each permittee.

3. Harvesting and transporting of shellfish to depuration plants shall be permitted only during daylight hours with all activities completed no later than 30 minutes after official sunset each day.

4. The permittee shall be responsible for notifying the Department of Wildlife and Fisheries prior to leaving port to fish under permitted conditions and immediately upon returning from permitted trip each day. The Department of Wildlife and Fisheries shall be notified by calling 1-800-442-2511.

5. All leases utilized for harvesting-for-depuration purposes shall be "red flagged" so that they may be easily spotted by both aircraft and boat. "Red flagged", as used in this paragraph, means that the four outside corners of a lease must be marked with poles with red flags attached.

6. The sacking of shellfish and the storage of empty shellfish sacks aboard permitted vessels is prohibited.

7. All harvesting and transporting of shellfish for delivery to a depuration plant shall be done in the direct line of sight of a commissioned municipal, parish, or state police officer, or bonded security guard from a state licensed agency. The payment of the surveillance officers salary and expenses shall be the responsibility of the permittee.

8. A maximum of five harvest boats may be included on one permit under the following conditions:

(a). The permittee, vessel captain and crew members shall all be held liable for rule violations.

(b). All vessels must be in direct line of sight of state approved surveillance officer during harvesting and transporting of shellfish to depuration plant.

(c). Each permitted vessel shall have the permit number in at least 6-inch high letters on a contrasting background so as to be visible from low flying aircraft or from any other enforcement vessel in the immediate area.

9. Failure to comply with any of the permitting requirements specified in this Section shall result in the following administrative actions:

(a). The harvesting-for-depuration permit and all permitting privileges shall be immediately suspended by the Department of Wildlife and Fisheries or the Department of Health and Hospitals.

(b). All shellfish harvested-for-depuration purposes shall be returned to the original growing waters at permittee's expense.

(c). If said charges are upheld in an administrative hearing, the following additional penalties shall be imposed:

1. Harvesting-for-depuration and transplant permitting privileges shall be denied for a period of three years.

2. The \$5,000 cash bond posted by the permittee shall be forfeited and retained by the state.

## Certification Requirements for Resident Shellfish Shippers

### 49:6.2010 Definitions

(a) *Shellfish*—all edible species of oysters, clams, mussels, and scallops; either shucked or in the shell, fresh or frozen, whole or in part.

(b) *Depuration Processor (DP)*—a person who receives shellstock from a conditionally restricted or restricted growing area and submits such shellstock to a state-approved depuration process.

(c) *Wet Storage Processor (WS)*—a person who receives shellstock from an approved or conditionally approved growing area and submits such shellstock to a state-approved wet storage process.

(d) *Shucker-Packer (SP)*—a person who shucks and packs shellfish. A shucker-packer may act as a shellstock shipper or reshipper or may repack shellfish originating from other certified dealers.

(e) *Repacker (RP)*—a person other than the original certified shucker-packer who repacks shucked shellfish into other containers. A repacker may also repack and ship shellstock. A repacker shall not shuck shellfish.

(f) *Reshipper (RS)*—a person who purchases shucked shellfish or shellstock from other certified shippers and sells the product without repacking or relabeling to other certified shippers, wholesalers, or retailers.

(g) *Shellstock Shipper (SS)*—a person who grows, harvests, buys, or repacks and sells shellstock. They are not authorized to shuck shellfish nor to repack shucked shellfish. A shellstock shipper may also ship shucked shellfish originating from a certified shucker packer and packed in their original container.

(h) *Certified Shellfish Shipper*—any resident shucker-packer, repacker, reshipper, shellstock shipper, depuration processor, or wet storage processor who is certified by the Office of Public Health for inclusion on the U. S. Food and Drug Administration/Public Health Service's Interstate Shellfish Shippers List.

(i) *Critical Deficiency*—a condition or practices which: a) results in the production of a product which is unwholesome; or b) presents a threat to the health or safety of consumers.

(j) *Key Deficiency*—a condition or practice which may result in an adulterated, decomposed, misbranded or unwholesome product.

(k) *Other Deficiency*—a condition or practice that is not in accordance with NSSP Manual requirements but is not key or critical.

### 49:6.2020 Certification Requirements for Resident Shellfish Shippers

(a) Resident shellfish shippers shall be certified annually and shall file an application for recertification each year with the Office of Public Health. An application for certification shall not be accepted from any individual or corporation previously found guilty within the past five years in a civil or criminal proceeding of knowingly selling shellfish that were harvested from waters not approved for shellfish harvesting by the state health officer. The Office of Public Health shall certify dealers for interstate shipment in accordance with the sanitation and administrative criteria contained in the 1994



edition of the National Shellfish Sanitation Program Manual of Operations, Parts I and II.

(b) All applicants for certification or certification renewal shall undergo a comprehensive on-site inspection prior to being certified. The certification period shall not exceed 12 months. This comprehensive on-site inspection shall be conducted by an Office of Public Health standardized inspector within 30 days of the application for certification or renewal of certification, show the date of the on-site inspection, the inspector's full name and date of expiration of the inspector's standardization.

(c) Only one certification number shall be issued to a dealer per location.

(d) Certification shall be granted only to resident shippers who meet the following inspection requirements: 1) No CRITICAL deficiencies; 2) not more than two KEY item deficiencies; and 3) not more than three OTHER item deficiencies. After a dealer is certified, unannounced inspections using an NSSP approved Office of Public Health inspection form shall be conducted during periods of operation and at such frequency as necessary to assure that adequate operational and sanitary conditions are maintained. A copy of the completed inspection form and a list of observations for items of noncompliance shall be provided to the most responsible individual at the firm.

(e) The minimum frequency of inspection shall be:

- i. within 30 days of beginning operation for any dealer certified on the basis of a preoperational inspection;
- ii. at least monthly for a depuration plant;
- iii. at least quarterly for shucker-packer and repacker;
- iv. at least semi-annually for other certified dealers.

(f) Enforcement actions shall be taken as follows:

i. When a routine inspection detects a CRITICAL deficiency, the deficiency shall be corrected during the inspection or the plant must cease production affected by the deficiency. If the item is not corrected within the specified time, the Office of Public Health shall immediately begin actions to withdraw dealer certification. Further, product affected by the CRITICAL deficiency shall be controlled to prevent contaminated or adulterated product from reaching consumers.

ii. When a routine inspection detects four or more KEY item deficiencies, a follow-up inspection shall be conducted as soon as possible but within 30 days. The follow-up inspection shall determine if the deficiencies have been corrected or are being corrected per the scheduled correction dates noted on the previous inspection report.

iii. When the follow-up inspection of the KEY item deficiencies indicate a failure to comply with the correction schedule, the Office of Public Health shall immediately bring actions to suspend operations and withdraw dealer certification.

iv. When a routine inspection detects OTHER item deficiencies or three or less KEY item deficiencies, the deficiencies shall be corrected prior to the next routine inspection.

v. All specific deficiencies, as noted in the narrative section of the inspection report, which are repeated consecutively and are not corrected as scheduled shall be

corrected prior to the annual certification. Dealers which fail to correct such deficiencies shall not be certified.

vi. When inspections are made of certified shellfish shippers where the Office of Public Health finds nonconformities that present an imminent threat to public health, actions shall be initiated immediately by the Office of Public Health to suspend operations and withdraw certification until a reinspection confirms that appropriate corrections have been made. The Office of Public Health shall also seize any undistributed lots of shellfish that may have been adulterated, initiate a recall of shellfish distributed intrastate, and notify FDA and receiving state enforcement agencies of interstate product distributions.

vii. When inspections are made of certified shellfish shippers where the Office of Public Health finds major public health deficiencies, action shall be initiated by the Office of Public Health to suspend or withdraw certification until a reinspection confirms that appropriate corrections have been made.

viii. When a certificate is removed for cause, the Office of Public Health shall immediately notify FDA and shellfish control personnel in known receiving states.

(g) A certified shellfish dealer whose certificate has been removed for cause may not ship shellfish in intrastate or interstate commerce until the Office of Public Health is satisfied that corrections have been made. A recertification shall not be issued until an inspection by the officer of public health establishes that the firm is in substantial compliance with all applicable criteria of the latest edition of the National Shellfish Sanitation Program Manual of Operations, Parts I and II. Upon recertification, the Office of Public Health shall notify FDA and known receiving states immediately. These changes shall become effective April 20, 1994.

Rose V. Forrest  
Secretary

# NOTICES OF INTENT

## NOTICE OF INTENT

Department of Agriculture and Forestry  
Office of Animal Health Services  
Livestock Sanitary Board

### Disposal of Dead Poultry (LAC 7:XXI.11771)

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act and R.S. 3:2095, relative to the power of the Livestock Sanitary Board to deal with diseases of poultry, notice is hereby given that the Livestock Sanitary Board advertises its intent to add to the regulations concerning the disposal of dead poultry.

#### Title 7

#### AGRICULTURE AND ANIMALS Part XXI. Diseases of Animals

#### Chapter 117. Livestock Sanitary Board Subchapter D. Poultry

#### §11771. Governing the Sanitary Disposal of Dead Poultry

In the event of the death of more than one percent of broilers or 0.5 percent of pullets or breeders over four weeks of age on the same premises within a 24-hour period of time, the death of which is not known to be caused by a contagious or infectious disease, the dead poultry may be disposed of by on-site burial. The state veterinarian's office must be notified immediately by telephone or facsimile in the event of excessive mortality requiring on-site burial.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:2093.

**HISTORICAL NOTE:** Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:615 (June 1985), amended LR 17:874 (September 1991), LR 18: 1355 (December 1992), LR 20:

Interested parties may comment on the proposed policy, in writing, until 4:30 p.m., June 10, 1994, at the following address: Dr. Maxwell Lea, Jr., State Veterinarian, Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom  
Commissioner

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Disposal of Dead Poultry

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no cost or savings to state or local governmental units to implement this proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is estimated that there will not be any effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
It is estimated that no additional costs and/or economic benefits would be incurred by directly affected persons or nongovernmental groups because these groups are currently disposing of large numbers of birds by this method.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
It is estimated that the proposed action will have no impact on competition or employment in the public or private sectors.

Richard Allen  
Assistant Commissioner

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

Department of Civil Service  
Civil Service Commission

### Pay, Base Supplement

The Department of Civil Service, Civil Service Commission proposes to amend the Civil Service rules to provide for additional pay above the range maximum, as follows:

#### Proposed Adoption of Rule 1.5.02

**1.5.02** *Base Supplement* means additional pay above the range maximum, when authorized by the commission and approved by the governor under limiting factors (e.g., by job titles, geographic areas, organizations, etc.) it deems appropriate when market and employment conditions require such supplement in order to maintain competent and experienced staff, which is treated as a part of base pay.

#### Amend Rule 1.15.2.3

**1.15.2.3** *Individual Pay Rate* ... Individual pay rates may vary on the same job as a function of *base supplement*, of service in grade, performance or some other basis for establishing variation.

#### Amend Rule 1.33.01

**1.33.01** *Red Circle Rate* means an individual pay rate, excluding those that fall within the base supplement authorized for a position, that is above the maximum of a pay range for a grade; or, only under conditions as specified in Rule 6.15(d), an individual pay rate that is above the base supplement authorized for a position.

**Amend Rule 6.4**

**6.4 Rates in Pay Plan Plus Base Supplement**

- (a) ...
- (b) ..., or at a rate within the base supplement approved for his position in accordance with the provisions of Rule 6.16(f).

**Amend Rule 6.5**

**6.5 Hiring Rate**

- (a) ...
- (b) When economic ... within the range, or within the range plus base supplement authorized for the position, for the job ... .
- (c) The pay ... , may be fixed at any rate in the range, or within the range plus base supplement authorized for the position in which he is being employed, that does not exceed ... . If the former salary is higher than the range maximum or range maximum plus authorized base supplement, his pay rate shall be set no higher than the range maximum, or range maximum plus base supplement if authorized for the position in which he is being employed. The appointing authority ... .
- (d)-(g)(1)-(3) ...

**Amend Rule 6.5.1**

**6.5.1 Pay Upon Appointment from a Department Preferred Reemployment List**

Subject ... In no case shall the rate of pay be higher than the range maximum for the class to which appointed, or the highest rate within the base supplement authorized for the position to which appointed.

**Amend Rule 6.7**

**6.7 Rate of Pay upon Promotion**

- (a) Subject to the provisions of Subsections (e) and (f) of this rule, ... .
- (b) Subject to the provisions of Subsections (e) and (f) of this rule, ... .
- (c) - (d) ...
- (e) Subject to the provisions of Subsection (f) of this rule, when an employee is promoted ... .
- (f) When an employee, whose rate of pay falls within the base supplement for his current position, promotes to a position which has no base supplement, his salary for purposes of pay calculation upon promotion shall be the range maximum of his current position for which the base supplement is authorized.

**Amend Rule 6.8**

**6.8 Pay upon Grade Assignment**

- (a) ...
- (b) Subject to the provisions of Subsection (d) of this rule, ... .
- (c) Subject to the provisions of Subsection (d) of this rule, ... .
- (d) If the position is reallocated or job corrected to the same pay range or downward in such a way that the current base supplement rate of pay authorized for the position is lost or reduced, the affected employee's pay shall be set no higher than his current salary and at the higher of the following:
  1. the range maximum (this is a red circle rate) of the position from which he is being job changed or reallocated, or
  2. within the range maximum plus the base supplement (this is not a red circle rate) authorized for the position to which he is to be reallocated or job changed.

**Amend Rule 6.9**

**6.9 Pay upon Transfer or Reassignment**

- (a) Subject to the provisions of Subsection (f) of this rule, when ...
- (b) - (c) ...
- (d) Subject to the provisions of Subsection (f) of this rule, when ...
- (e) ...
- (f) Notwithstanding the provisions of Subsections (a) and (d) of this rule, if an employee is transferred without promotion, demotion, or change in duty station or is reassigned from a position with an authorized base supplement to a position for which a lower or no base supplement is authorized, the affected employee's current base supplement pay shall be reduced to the range maximum or to a rate within the new position's base supplement no higher than his current salary.

**Amend Rule 6.14**

**6.14 Merit Increases**

- (a) - (d) ...
- (e) All increases ... for the job, or the highest rate within the base supplement authorized for the position occupied.
- (f) - (k) ...

**Amend Rule 6.15**

**6.15 Red Circle Rates**

Rates that fall within the range or within the base supplement authorized for a position become the employee's authorized individual pay rate. Excluding those that fall within the base supplement authorized for a position, individual pay rates that fall above the maximum established for the grade become red circle rates; or, under the conditions outlined below in Subsection (d) of this rule, individual pay rates that fall above the base supplement authorized for a position become red circle rates. Such red circle rates remain in effect until the range or range plus authorized base supplement for a position catches up with the rate; however, eligibility for a red circle rate is lost upon separation from state service, or demotion except as provided in Part (f) of this rule. Individuals whose salary rates are red circled shall not be eligible for any other pay adjustments provided for in the rules. Red circle rates are assigned under the conditions as outlined below:

- (a) ...
- (b) Except as provided in Rule 6.8(d), when ...
- (c) When an adjustment (this does not include base supplement.) to the pay ... .
- (d) When ... falls above the maximum of the range for the grade of the job into which the position(s) are allocated, or above the range plus base supplement authorized for the position allocated.
- (e) ...
- (f) When an employee is subject to a demotion in a layoff, and the layoff was not absolutely required because of budgetary cuts, except that the pay upon demotion in such a layoff for an employee whose current pay rate within the base supplement exceeds the range or the range plus authorized base supplement for the position to which he is to demote shall be set no higher than his current salary and at the higher of the following:

1. the range maximum (this is a red circle rate) of the position from which he is to demote, or

2. within the range maximum plus the base supplement (this is not a red circle rate) authorized for the position to which he is to demote.

(g) An appointing authority may request authority from the commission to reinstate red circle rates awarded for two years which have expired when the employee's pay continues to be lower than the previously authorized red circle rate. Any approval granted shall be prospective from the date of commission action. Eligibility for reinstatement is lost upon separation from state service or demotion.

(h) Red circle rates in effect on the effective date of the amendment to this rule providing for a continuing red circle rate shall be extended in accordance with the provisions of this rule.

#### Amend Rule 6.16

### 6.16 Special Pay Provisions

(a) - (e) ...

(f) Rate of Pay upon Approval of Base Supplement

When market and employment conditions require additional pay above the range maximum in order to maintain competent and experienced staff, the commission, upon request from the appointing authority, may authorize that employees occupying positions in selected job titles, geographic areas, organizations or other limiting factors deemed appropriate by the commission, receive a base supplement. Any commission-approved base supplement must also be approved by the governor before it can become effective. Authority for such pay may be adjusted or rescinded by the commission, with the approval of the governor, should market and employment conditions change. When authorized, this base supplement shall be treated as a part of base pay and must be reported as such.

(1) Upon reaching the range maximum, the salary of an employee whose position has been authorized base supplement may receive additional pay based on other provisions of these rules up to the highest rate within the base supplement and in accordance with any special provisions and conditions specified by the commission.

(2) An employee who occupies a position at the time its base supplement authority is rescinded or adjusted downward by the commission shall have his salary set in accordance with the provisions and conditions specified by the commission.

(3) An employee who occupies a position at the time its base supplement authority is moved upward shall have his salary remain the same, unless he retains eligibility for other adjustments authorized under other provisions of the rules and unless the salary is set in accordance with any special provisions and conditions specified by the commission.

#### Amend Rule 6.17

### 6.17 Pay on Entering the Classified Service under the Provisions of Rule 8.27

(a) If the employee's rate of pay falls within the range or within the range plus the authorized base supplement for the position allocated, ... .

(b) ...

(c) If the employee's current rate of pay is above the range

maximum or above the range maximum plus the base supplement authorized for the position allocated, Rule 6.15 shall apply.

#### Amend Rule 6.19

### 6.19 Methods of Compensation for Overtime Hours Worked

(a) Cash payment at the time and one-half rate (Base supplement shall be included in calculating the rate of pay at time and one-half; premium pay, shift differential, ... .

(b) Cash payment at the regular rate (Base supplement shall be included in calculating the rate of pay at the regular rate; premium pay, shift differential, ... .

(c) - (d) ...

#### Amend Rule 6.30

### 6.30

In order ... monthly range maximum or highest rate within the base supplement authorized for a position when any personnel transaction ... within \$20 of that monthly range maximum or highest rate within the base supplement

#### Amend Rule 11.10

### 11.10 Payment for Annual Leave upon Separation

(a) ...

1. - 2. ...

(b) No ... hourly rate of pay (includes base supplement) at the time of his separation.

#### Amend Rule 17.19

### 17.19 Pay Reductions

Percentage ... Director. Such reductions shall not result in an employee's being paid above the range maximum or above the highest rate within the base supplement authorized for the position to which he is moved, or below the minimum of the range ... .

#### Explanation

The rules are being changed to provide for additional pay above the range maximum, to be called base supplement, that is to be treated as base pay. Authority for the base supplement, which will be a percentage amount above the range maximum, must be requested by the appointing authority and granted by the commission according to the limiting factors it deems appropriate (e.g., by job title, geographic area, domicile, a combination of factors, etc.). Any commission-approved based supplement must also be approved by the governor before it can become effective. Requests must offer proof that market and employment conditions require such supplement in order for the state to maintain competent and experienced staff. Once approved, the commission, with the approval of the governor, may adjust or rescind the authority as market conditions and other relevant factors dictate. Use of authorized base supplement must be reported on Standard Forms 1 and all other forms in the same manner as base pay.

Please note that the number of pay ranges and pay schedules and the range minimums and range maximums remain unchanged, and their definitions and contexts within the rules stay the same. Base supplement is tied to positions rather than to job codes. Rules have been amended to provide direction concerning the operation of base supplement during the various types of personnel actions. Consequently, the majority of the rule changes occur in Chapter 6 regarding pay.

Persons interested in making comments relative to these proposals may do so at the public hearing or by writing to the Herbert L. Sumrall, Director of Civil Service, Box 94111, Baton Rouge, LA 70804-9111.

The State Civil Service Commission will hold a public hearing on June 8, 1994, to consider the following rule proposals. The hearing will begin at 9 a.m. and will be held at the Department of Civil Service, Second Floor Hearing Room, DOTD Annex Building, 1201 Capitol Access Road, Baton Rouge, LA. If any special accommodations are needed, please notify us prior to this meeting.

Herbert L. Sumrall  
Director

## NOTICE OF INTENT

### Department of Economic Development Board of Architectural Examiners

#### Limited Liability Companies (LAC 46:I.Chapters 1, 9, 11, 13, 15)

Under the authority of R.S. 37:144 and in accordance with the provisions of R.S. 49:950 et seq., the Board of Architectural Examiners gives notice that rulemaking procedures have been initiated for the purpose of regulating the practice of architecture by limited liability companies in this state. The board proposes to amend and repromulgate LAC 46:I.103 pertaining to its rulemaking process and define the term *architect* to include a limited liability company; LAC 46:I.901 pertaining to registration information and provide a procedure whereby a limited liability company may obtain information regarding registration; LAC 46:I.905 pertaining to certificates and provide that limited liability companies may obtain a certificate of registration; LAC 46:I.1101 pertaining to licensing renewal procedure and provide a licensing renewal procedure for limited liability companies; LAC 46:I.1315 pertaining to the name of a sole proprietorship, partnership, group, association, or limited liability company; and LAC 46:I.1321 pertaining to the use of fictitious names by a limited liability company. In addition, the board proposes to adopt LAC 46:I.1335 pertaining to the name of a limited liability company and LAC 46:I.1505 pertaining to the practice of architecture in this state by a limited liability company. All of these proposed amendments and new rules regulate the practice of architecture in this state by limited liability companies.

### Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part I. Architects

#### Chapter 1. General Provisions §103. Rulemaking Process

A. The Louisiana State Board of Architectural Examiners operates pursuant to these rules, adopted under the authority

of R.S. 1950, Title 37, Chapter 3 as amended.

B. For purposes of these rules, the term *architect* means a person who is technically and legally qualified to practice architecture in Louisiana including a professional architectural corporation certified by the board pursuant to the provisions of R.S. 12:1086 et seq., an architectural-engineering corporation certified by the board pursuant to the provisions of R.S. 12:1171 et seq., and a limited liability company certified by the board pursuant to the provisions of R.S. 12:1301 et seq. The term *board* means the Louisiana State Board of Architectural Examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, LR 9:333 (September 1978), amended LR 10:737 (October 1984), and amended by Department of Economic Development, Board of Architectural Examiners, LR 20:

### Chapter 9. Registration Procedure §901. Registration Information

To obtain information regarding registration to practice architecture in Louisiana an individual, a corporation which satisfies the requirements of the Professional Architectural Corporations Law, an architectural-engineering corporation which satisfies the requirements of the Architectural-Engineering Corporation Law, and a limited liability company which satisfies the requirements of the Limited Liability Company Law shall write the board indicating whether the applicant seeks to be registered as an architect, a professional architectural corporation, an architectural-engineering corporation, or a limited liability company. The applicant will then receive instructions on the procedure to follow.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:384 (September 1978), LR 10:788 (October 1984), and amended by Department of Economic Development, Board of Architectural Examiners, LR 15: (January 1989) and LR 20:

### §905. Certificates

A. Upon granting registration and issuance of a license to practice architecture, a copy of the licensing law and the rules of the board shall be forwarded to the registrant.

B. Only individuals, professional architectural corporations, architectural-engineering corporations, and limited liability companies who have met the statutory registration requirements through established board rules shall receive certificates of registration.

C. Each holder of a certificate shall maintain the certificate in his principal office or place of business in this state.

D. A replacement certificate will be issued to a registrant to replace one lost or destroyed, provided the current annual registration renewal is in effect, the registrant makes proper request and submits an acceptable explanation of the loss or destruction of the original certificate, and the registrant pays a fee to be set by the board.

E. Registrants 65 years of age or older, who have retired from active practice may request emeritus status. The annual renewal fee for approved emeritus registrants will be five dollars. Revocation and reinstatement rules will otherwise

apply to emeritus registrants, just as they do to all other registrants.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:144.

**HISTORICAL NOTE:** Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:334 (September 1978) and LR 10:738 (October 1984), and amended by Department of Economic Development, Board of Architectural Examiners, LR 15: (January 1989) and LR 20:

**Chapter 11. Administration**

**§1101. Renewal Procedure**

A. A License for individual architects shall expire and become invalid on December 31 of each year. Licenses for professional architectural corporations architectural-engineering corporations, and limited liability companies shall expire and become invalid on June 30 of each year. An individual architect, professional architectural corporation, architectural-engineering corporation, and limited liability company who desires to continue his or its license in force shall be required annually to renew same.

B. It is the responsibility of the individual architect, professional architectural corporation, architectural-engineering corporation, and limited liability company to obtain, complete, and timely return a renewal form and fee to the board office, which forms are available upon request from said office.

C. Prior to December 1 of each year the board shall mail to all individuals currently licensed a renewal form. An individual who desires to continue his license in force shall complete said form and return same with the renewal fee prior to December 31. The fee shall be determined by the board, not to exceed \$50. Upon payment of renewal fee the executive director shall issue a renewal certificate.

D. Prior to June 1 of each year the board shall mail to all professional architectural corporations, architectural-engineering corporations, and limited liability companies currently licensed a renewal form. A professional architectural corporation, an architectural-engineering corporation, and a limited liability company which desires to continue its license in force shall complete said form and return same with the renewal fee prior to June 30. The fee shall be \$50. Upon payment of the renewal fee, the executive director shall issue a renewal license.

E. Failure to renew a license timely shall not deprive the architect of the right to renew thereafter.

F. The failure to renew its license in proper time shall not deprive a professional architectural corporation, an architectural-engineering corporation, or a limited liability company of the right to renew thereafter. A professional architectural corporation an architectural-engineering corporation, or a limited liability company who transmits its renewal form and fee to the board subsequent to June 30 in the year when such renewal fee first became due shall be required to pay a delinquent fee of \$50. This delinquent fee shall be in addition to the renewal fee set forth in preceding Subsection D.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:144.

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:334 (September 1978), LR 10:739

(October 1984), amended LR 10:737 (October 1984), and amended by Department of Economic Development, Board of Architectural Examiners, LR 20:

**Chapter 13. Titles, Firm Names, and Assumed Names**

**§1315. Sole Proprietorship, Partnership, Group, Association, or Limited Liability Company**

The firm name of any form of individual, partnership, corporate, limited liability company, group, or associate practice must comply with all of the rules set forth in this Chapter.

ALLOWED	NOT ALLOWED
John Smith, Architect	John Smith
John Smith, AIA, Architect	John Smith, AIA
John Smith, Architect, AIA	
John Smith & Associates John Smith, Architect	
Smith & Jones, Architect & Engineer John Smith, Architect	Smith & Jones, Architects & Engineer (if either Smith or Jones are not licensed architects engaged in the active practice of Architecture)
Smith & Jones, Architects & Engineer (if Smith and Jones are both licensed architects engaged in the active practice of architecture)	Smith & Jones, Architects (if either Smith or Jones are not licensed architects engaged in the active practice of architecture)

**AUTHORITY NOTE:** Adopted in accordance with R.S. 37:144.

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Board of Architectural Examiners, LR 17:6; and amended LR 20:

**§1321. Fictitious Name**

For the purposes of these rules, a fictitious name is any name other than the real name or names of an individual. Any individual, partnership, corporation, limited liability company, group, or association may practice architecture under a fictitious name provided the name complies with all of the rules of this Chapter.

ALLOWED	NOT ALLOWED
Heritage Architecture John Smith, Architect	Heritage Architecture
Architectural Design John Smith, Architect	Architectural Design
Architectural Design Consultants John Smith, Architect Jack Jones, Architect	Architectural Design Consultants - John Smith, Architect
Heritage Architects, A Professional Corporation John Smith, Architect	

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners, LR 17:6; and amended LR 20:

**§1335. Limited Liability Company**

The name of a limited liability company registered with the board must comply with La. R.S. 12:1306 and include the words "Limited Liability Company."

ALLOWED	NOT ALLOWED
Smith & Jones, Architects, A Limited Liability Company	Smith & Jones, Architects (if the entity is a limited liability company)
	Smith & Jones, Architects, L.L.C.
	Smith & Jones, Architects, L.C.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners, LR 20:

**Chapter 15. Professional Architectural Corporations, Architectural Engineering Corporations, and Limited Liability Companies**

**§1505. Limited Liability Companies**

A. The practice of architecture by limited liability companies is only permissible when lawfully constituted under the laws pertaining to limited liability companies, R.S. 12:1301, et seq.

B. No person, firm, partnership, corporation, or group of persons shall solicit, offer, execute, or perform architectural services in this state as a limited liability company without first receiving a certificate from the board authorizing the limited liability company to do so.

C. A limited liability company soliciting, offering, contracting to perform, or performing the practice of architecture shall be subject to the discipline of the board and to its authority to adopt rules and regulations governing the practice of architecture.

D. A limited liability company may solicit, offer, contract to perform, or perform the practice of architecture only if a majority of the membership of the limited liability company is owned by one or more natural persons duly licensed to practice architecture in this state.

E. Any person seeking to be certified to practice architecture as a limited liability company shall request in writing an application to do so from the office of the board. The request shall state the name of the proposed limited liability company. The applicant is required to complete said application fully and return same to the executive director. Upon receipt of such application and the fee, the board shall promptly either approve said application and certify the limited liability company as authorized to practice architecture or disapprove said application advising the applicant of the reasons therefor.

F. Architectural services rendered on behalf of a limited liability company must be performed by or under the direct

supervision of a natural person duly licensed to practice architecture in this state.

G. The architects licensed in this state who perform such architectural services or directly supervise such services will be responsible to this board for all acts and conduct of such limited liability company.

H. It will be the responsibility of all architects named in an application to be certified as a limited liability company to advise the board of any organizational change that would relate to the authority granted under this rule. Failure to do so could result in disciplinary action leading to suspension, revocation, or rescission of the registrants' license.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners, LR 20:

Interested persons may submit written comments on these proposed rules to Mary "Teeny" Simmons, Executive Director, Board of Architectural Examiners, 8017 Jefferson Highway, Suite B2, Baton Rouge, LA 70809.

Mary "Teeny" Simmons  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**  
**RULE TITLE: Limited Liability Companies**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The agency estimates that the cost of implementing these rule changes will be approximately \$200 for fiscal year 1994-1995, \$300 for fiscal year 1995-1996, and \$400 for fiscal year 1996-1997. These additional costs will result from printing the necessary forms and licenses, postage, and long distance telephone charges.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The agency estimates that it will collect additional revenue from licensing and renewal fees paid by limited liability companies of approximately \$1,000 during fiscal year 1994-1995, \$1,500 during fiscal year 1995-1996, and \$2,000 during fiscal year 1996-1997.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Limited liability companies will be required to pay an initial licensing fee of \$50 and an annual renewal fee of \$50. This fee will compensate the agency for the costs of implementing the proposed rules.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no estimated effect on competition and employment associated with the proposed rules.

Mary "Teeny" Simmons  
Executive Director

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Economic Development Board of Interior Designers

#### Certificate Reinstatement and Restoration (LAC 46:XLIII.703 and 704)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 37:3171 et seq., the Department of Economic Development, State Board of Examiners of Interior Designers is hereby giving notice of its intention to adopt rules detailed below.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLIII. Interior Designers

#### Chapter 7. Issuance and Reinstatement of Certificates of Registration

##### §703. Reinstatement

A. When a certificate has become invalid through failure to renew by December 31, it may be reinstated by the board at any time during the remainder of the following calendar year on payment of the renewal fee, plus a late penalty restoration fee of \$75. In case of failure to reinstate within one year from the date of expiration, the certificate cannot be renewed or reissued except by a new application approved by the board and payment of the registration fee.

B. A licensee may reinstate his or her license only with proof that he or she has completed the continuing education units for each year in which his or her license was invalid.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:3174 and R.S. 37:3179.

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Board of Examiners of Interior Designers, LR 11:340 (April 1985), amended by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1075 (November 1991), LR 20:

##### §704. Restoration of Expired Certificates

A. A certificate expires on December 31 of each year. If the licensee fails to have the certificate reinstated within one year of the expiration date of the certificate, then the applicant may petition the board to have his certificate restored if he files the said petition within three years of the expiration of the certificate. If the board approves the restoration of the certificate, then the applicant must pay the sum of \$75 to the board for the restoration and file a new application with the board.

B. A licensee may reinstate his or her license only with proof that he or she has completed the continuing education units for each year in which his or her license was invalid.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:3174 and R.S. 37:3179.

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Board of Examiners of Interior Designers, LR 11:339 (April 1985), amended by the Department of Economic Development, State Board of Interior Designers, LR 17:1075 (November 1991), LR 20:

Comments should be forwarded to J. Daniel Bouligny, Chairman, State Board of Examiners of Interior Designers,

8017 Jefferson Highway, Suite B-3, Baton Rouge, LA 70809.  
Comments will be accepted through 4:30 p.m., June 20, 1994.

J. Daniel Bouligny  
Chairman

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Reinstatement and Restoration of Expired Certificates

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no excess cost or savings to the State Board of Examiners of Interior Designers. This is a clarification of the existing regulations with regard to the requirements for continuing education units for those licensees whose licenses are renewed after the grace period or whose licenses lapse.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no effect on revenue collections as a result of these rules.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There should be no impact on the licensees who are being required to comply with this ruling now, based upon an interpretation by the board.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no effect on competition and employment. This is based on a title act, not a practice act, and has no effect now on whether a designer performs his duties in his business or not. Only the title "interior designer" is restricted to licensees, who may use the title to show specific education and experience for the job, as well as professional test completion.

Anna E. Dow  
Attorney

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Economic Development Polygraph Board

#### Continuing Education (LAC 46:LVI.101)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Department of Economic Development, Polygraph Board, intends to adopt the following rule.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LVI. Polygraph

#### Chapter 1. Continuing Education Requirements §101. Requirements

Each certified polygraphist shall comply with the following continuing education requirements.



NOTICE OF INTENT

Board of Elementary and Secondary Education

1995-96 Vocational Education State Plan (LAC 28:I.939)

The State Board of Elementary and Secondary Education exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B) and approved for advertisement, the Louisiana Program Plan for the Administration of Vocational Education, FY 1995-96. Adoption of this Plan for FY 1995-96 is an amendment to the Administrative Code, Title 28 as noted below:

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans §939. Vocational Education State Plan

A. The Louisiana Program Plan for the Administration of Vocational Education FY 1995-96 is adopted. This Plan meets the intent of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 which includes the use of a combination Pell Grant and JTPA formula. The Plan contains definitions, objectives, state board priorities, and planned use of federal funds. Fiscal control and accounting procedures are given as well as provisions for program evaluation. Assurance statements are provided as required by federal law. Duties and functions of the State Council on Vocational Education are given.

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with P. L. 101-392

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 20:

The Program Plan may be seen in its entirety in the Office of the Louisiana Register, 1051 North Third Street, Baton Rouge, LA located on the Fifth Floor of the Capitol Annex; the Office of the State Board of Elementary and Secondary Education located in the Education Building in Baton Rouge, LA; or in the Office of Vocational Education located in the Department of Education Building.

Interested persons may submit comments on the proposed policy changes and/or additions in writing, until 4:30 p.m., July 8, 1994 to: Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: 1995-96 Vocational Education State Plan

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary) The state of Louisiana will incur cost to administer the Program Plan for the Administration of Vocational Education

1. Beginning January 1, 1995, and thereafter, each holder of a certificate issued by the Louisiana State Polygraph Board shall be required to obtain at least 20 continuing education credits during a period of two consecutive calendar years.

2. Any holder of a certificate issued by the board is exempt from the requirement of continuing education for the calendar year in which the certification is initially issued.

3. Credit hours shall be granted as follows:

a. attendance at a seminar conducted by the board or its representative (hour for hour);

b. attendance at other seminars of professional conferences in which the subject matter is substantially related to the polygraph industry (hour for hour);

c. completion of college courses approved by the board in which the subject matter is substantially related to the polygraph industry (eight hours per semester hour);

d. presentation of a polygraph related paper for a seminar or conference (five hours per paper presented);

e. publication of a polygraph related paper in a board recognized professional journal (20 hours per paper);

f. other polygraph related educational programs approved by the board (hour for hour).

4. Each certificate holder shall provide the board secretary with proof of credit hours indicating topic, number of hours and date of program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2836.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Polygraph Board, LR 20:

All interested persons so desiring shall submit oral or written data, views, comments, or arguments no later than 30 days form the date of publication of this notice to Forrest M. Kavanaugh, Chairman, Polygraph Board, Box 8001, Alexandria, LA 71306-1001, telephone (318) 640-1000.

Forrest M. Kavanaugh Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Continuing Education Requirements

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated implementation costs as a result of the proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There is no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Forrest M. Kavanaugh Chairman

David W. Hood Senior Fiscal Analyst

according to the Carl D. Perkins Act in the amount of \$2.6 million.

Local education agencies, technical institutes, and the teacher training universities will incur costs of approximately \$17 million annually to administer the Plan. These monies have been previously appropriated by the Louisiana Legislature for this purpose.

The cost of implementing this change in the *Federal Register* would be approximately \$100. This would be for printing and postage to mail out revisions.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Louisiana will receive approximately \$23.6 million of Carl D. Perkins Act monies as a result of this Plan. The amounts of funds used by the participating agencies are as follows:

State Department of Education	\$ 2.6 million
Local education agencies	11.5
Institutions of Higher Education	3.3
Technical Institutes	6.2

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Students (unduplicated count) enrolled in the vocational program who will benefit from programs supported by these funds total 149,747. A breakdown of student enrollment is as follows: technical institutes, 31,133; local school systems, 129,633; and institutions of higher education (approximately), 14,739.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The effect of the Program Plan for the Administration of Vocational Education will focus on employment and assist in providing a more skilled work force; thus, affording better employment opportunities to the participants.

Marlyn Langley  
Deputy Superintendent

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Bulletin 741—Honors Curriculum**

The Board of Elementary and Secondary Education has exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B) and approved for advertisement, an amendment to the State Board of Elementary and Secondary Education Honors Curriculum as printed below. This is also an amendment to Bulletin 741, Louisiana Handbook for School Administrators, which was adopted as an emergency rule effective February 24, 1994, and printed in the March, 1994 issue of the *Louisiana Register*.

**Honors Curriculum**

English	4 Units
English I, II, III, IV (No substitutions)	
Mathematics	4 Units
Algebra I; Algebra II; Geometry; and one additional unit to be selected from Calculus, Trigonometry, or Advanced Mathematics	

Natural Science	3 Units
Biology; Chemistry; and Earth Science or Physics	
Social Studies	3 Units
United States History; World History; and World Geography or Western Civilization	
Free Enterprise	½ Unit
Civics	½ Unit
Fine Arts Survey	1 Unit
Any two units of credit in band, orchestra, choir, dance, art, or drama may be substituted for one unit of Fine Arts Survey	
Foreign Language	2 Units
(In same language)	
Physical Education	2 Units
Computer Science/*Computer Literacy	½ Unit
*Computer Literacy may not be used for incoming freshmen 1994-95 and thereafter.	
Electives	3½ Units
<b>TOTAL</b>	<b>24 Units</b>

**AUTHORITY NOTE: R.S. 17:7**

Interested persons may submit comments on the proposed amendment until 4:30 p.m., July 8, 1994 to: Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES  
RULE TITLE: Honors Curriculum**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The only cost to state or local governmental units is \$100 to update and disseminate the changes to Bulletin 741.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There are no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no estimated effect on competition and employment.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Bulletin 741—Honors Curriculum—Nonpublic**

The Board of Elementary and Secondary Education has exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B) and approved for

advertisement, an amendment to the Board of Elementary and Secondary Education Honors Curriculum for the nonpublic students. In order to be consistent with the public school policy, this proposed policy, which is printed below, allows a "phase-in" of the new requirement which eliminates the Computer Literacy option for incoming freshmen of the 1994-95 school year.

**Honors Curriculum—Nonpublic**

English	4 Units
English I, II, III, IV (No substitutions)	
Mathematics	4 Units
Algebra I; Algebra II; Geometry; and one additional unit to be selected from Calculus, Trigonometry, or Advanced Mathematics	
Natural Science	3 Units
Biology; Chemistry; and Earth Science or Physics	
Social Studies	3 Units
United States History; World History; and World Geography or Western Civilization	
Free Enterprise	½ Unit
Civics	½ Unit
Fine Arts Survey	1 Unit
Any two units of credit in band, orchestra, choir, dance, art, or drama may be substituted for one unit of Fine Arts Survey (See Note)	
Foreign Language	2 Units
(In same language)	
Physical Education	2 Units
Computer Science/*Computer Literacy	½ Unit
*Computer Literacy may not be used for incoming freshmen 1994-95 and thereafter.	
Electives	3½ Units
<b>TOTAL</b>	<b>24 Units</b>

Note: The Fine Arts requirement can be met by completing the courses Fine Arts Survey (Art) ½ unit and Fine Arts Survey (Music) ½ unit.

AUTHORITY NOTE: R.S. 17:11

Interested persons may submit comments on the proposed policy until 4:30 p.m., July 8, 1994 to: Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Honors Curriculum—Nonpublic**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The only cost to state or local governmental units is \$100 to update and disseminate the changes to Nonpublic Bulletin 741. The change to the Nonpublic SBESE Honors Curriculum requirements in the area of Computer Science were made in order to be consistent with the public school requirements.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no estimated effect on revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

There are no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no estimated effect on competition and employment.

Marlyn J. Langley  
Deputy Superintendent of  
Management and Finance

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Bulletin 741—Librarians—Nonpublic**

The Board of Elementary and Secondary Education has exercised those powers conferred by the Administrative Procedure Act, R.S. 49:950 et seq., and approved for advertisement, an amendment to Bulletin 741, Louisiana Handbook for School Administrators, Standard 6.071.12 (Nonpublic). During the analysis of the Nonpublic Annual School Reports for the 1993-94 school year, it was discovered that there was a concern over the interpretation of the nonpublic standard (6.071.12) regarding librarians, therefore, the board amended the standard to read as follows:

6.071.12 Elementary Schools with a centralized library are required to have a trained librarian for at least 20 hours per week. This librarian does not have to be a certified librarian, but must have earned at least a bachelor's degree from an accredited institution. Elementary schools with classroom collections are not required to have a librarian.

Librarians, who do not meet the above qualifications, may be retained in school provided they were employed prior to the 1993-94 school year as librarians.

A list of these librarians is to be maintained on file in the State Department of Education. Upon their retirement or replacement, these librarians must be replaced with properly qualified personnel under the nonpublic school standards. These individuals may not be transferred or employed by another school unless they meet the requirements stated in the above standard.

AUTHORITY NOTE: R. S. 17:7

Interested persons may submit comments on the proposed policy until 4:30 p.m., July 8, 1994 to: Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin  
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741—Nonpublic

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Math Requirements

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

After analyzing the Nonpublic Annual School Reports for the 1993-94 school year, it was discovered that there was a concern over the interpretation of the nonpublic standard (6.071.12) regarding the librarians. This new change will be reflected in Bulletin 741—Nonpublic Standards. The cost to the state for implementation is \$100 for printing.

In addition, the proposed rule change may lead to an increase in cost for nonpublic elementary schools. A trained librarian's salary may be higher than an untrained librarian who has not earned at least a bachelor's degree from an accredited institution. However, the dollar amount cannot be determined due to different pay scales in the nonpublic schools and the number of untrained librarians without a degree cannot be determined at this time.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no effect on revenue collections at the state or local level.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Librarians currently employed who do not meet the language clarified in the statement will have to remain in their present school or obtain a degree if they wish to move to another school.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no impact on competition and employment.

Marlyn Langley  
Deputy Superintendent  
Management and Finance

David W. Hood  
Senior Fiscal Analyst

The State Board of Elementary and Secondary Education has exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B) and approved for advertisement, an amendment to the math requirements for high school graduation. This amendment will permit more flexibility in the math requirements and is an amendment to Bulletin 741, Louisiana Handbook for School Administrators, pages 75 and 84.1 as noted below. This amendment was also adopted as an emergency rule and printed in the April, 1994 issue of the *Louisiana Register*.

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Minimum Requirements for High School Graduation

(Effective Beginning 1994-95 and Thereafter for Incoming Freshmen)

\* \* \*

MATHEMATICS

3 units

- OPTION I. Shall be Algebra I and two of the following courses: Algebra II, either Geometry or Applied Geometry (effective 96-97 school year), Advanced Mathematics, Calculus, and either Consumer Mathematics or Business Mathematics; or
- OPTION II. or they shall be either Applied Algebra IA or Integrated Algebra/Geometry, Algebra I, and one of the following: Algebra II, either Geometry or Applied Geometry (effective 96-97 school year), Advanced Mathematics, Calculus, and either Consumer Mathematics OR Business Mathematics; or
- OPTION III. or they shall be Applied Algebra IA AND Applied Algebra IB and one of the following courses: Algebra II, either Geometry or Applied Geometry (effective 96-97 school year), Advanced Mathematics, Calculus, or Business Mathematics.

\* \* \*

(All other requirements remain the same.)

Page 84.1

MATHEMATICS

2.105.15 Three units of mathematics shall be required for graduation.

- OPTION I. They shall be Algebra I and two of the following courses: Algebra II, either Geometry or Applied Geometry (effective 96-97 school year), Advanced Mathematics, Calculus, and either Consumer Mathematics or Business Mathematics; or
- OPTION II. or they shall be either Applied Algebra IA or Integrated Algebra/Geometry, Algebra I, and one of the following: Algebra II, either Geometry or Applied Geometry (effective 96-97 school year), Advanced Mathematics, Calculus, and either Consumer Mathematics or Business Mathematics; or
- OPTION III. or they shall be Applied Algebra IA AND Applied Algebra IB and one of the following courses: Algebra II, either Geometry or Applied Geometry (effective 96-97 school year), Advanced Mathematics, Calculus, or Business Mathematics. The mathematics course offerings shall be as follows:

Course Title	Unit(s)	Refer to Bulletin
Advanced Mathematics	1	1583
Algebra I	1	1580
Algebra II	1	1582
Applied Algebra IA	1	
Applied Algebra IB	1	
Business Mathematics	1	1612
Calculus	1	
Consumer Mathematics	1	1606
Geometry	1	1581
Applied Geometry (96-97 School Year)	1	
Integrated Algebra/Geometry	1	1900
Trigonometry	½	

Business Mathematics May be taught by the business Education Department.

Students may not earn a unit in both Business Mathematics and Consumer Mathematics.

Consumer Mathematics is not an allowable course for meeting mathematics requirements using Option III.

Teachers selected to teach Applied Algebra IA and Applied Algebra IB or Applied Geometry shall be provided with the appropriate staff development/in-service.

Interested persons may submit comments on the proposed amendment until 4:30 p.m., July 8, 1994 to: Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Graduation Requirements**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation costs will vary depending upon the number of classes of Applied Algebra IA/IB that are initiated throughout the 66 parish/city school systems. Average costs for beginning a class of 25 students in the Algebra IA course is approximately \$2,500. Average costs for beginning a class of 25 students in the Algebra IB course is approximately \$3,000. The cost of the programs may have an effect on the MFP because it may increase the per pupil amount paid out by the state for each student. Annual school report for 1993-94 records 213 classes statewide with a total enrollment of 4,658. It is unknown at this

time how many new classes will be started. Curriculum materials exists for IA/IB and will be revised as appropriate as the LASIP and Curriculum Frameworks initiatives progress. Costs for development of Applied Geometry will be approximately \$20,000 and will be funded through available federal and/or state funds. This rule change only modifies the math options that students have in order to meet graduation requirements. It does not increase or decrease the total student enrollment in the school systems.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Revenue collections of state or local governmental units will not be affected.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Costs incurred will be the burden of individual school systems. These costs will vary depending upon the number of Applied Algebra IA/IB classes that are initiated.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This rule change only modified the math options that students have in order to meet graduation requirements. It does not increase or decrease the total student enrollment in school systems nor require any fewer or additional math teachers. Therefore, there may or may not be an increase in the number of teachers needed to teach the additional math courses, depending on the local school system and the cost if there is an increase.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Bulletin 741—Minimum Standards for Vocational Education**

In accordance with R. S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement, an amendment to Bulletin 741, Louisiana Handbook for School Administrators, Standard 1.124.03 as stated below:

**Standard 1.124.03**

To qualify for recommendation to take the General Educational Development (GED) Test, a student shall be a veteran or member of the Armed Forces or shall enroll in an adult education program and take the California Achievement Test or the Test of Adult Basic Education at the high school level. An average score of 12.9, with no subject matter area below 12.0, shall be attained by the individual to be authorized to take the General Educational Development (GED) Test.

Interested persons may submit comments on the proposed rule until 4:30 p.m., July 8, 1994 to: Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Bulletin 741**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no anticipated costs or savings as a result of the implementation of the proposed action. The local adult education programs may use the California Achievement Test (CAT) or the Test of Adult Education (TABE). The change in the policy is to offer a choice of testing instruments to local adult education programs. This action will reduce the possibility of a test being compromised. An increase or decrease in total cost to a local program to purchase the batteries is not anticipated. Each local program will have a very limited amount of money to spend on test materials. The unit cost of the California Achievement Test is \$2.33 and the unit cost of the Test of Adult Basic Education is \$1.07. Approximately \$50 will be needed to publish the amended policy in Bulletin 741.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no effect on revenue collections of state and local governments.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NON-  
GOVERNMENTAL GROUPS (Summary)**

Local education agencies will have the option of administering either the California Achievement Test or the Test of Adult Basic Education to adult education students who wish to qualify to take the tests of General Educational Development (GED). The selection of the testing instrument will be made by each local adult education program. There is no anticipated cost to implement the amended policy.

**IV. ESTIMATED EFFECT ON COMPETITION AND  
EMPLOYMENT (Summary)**

There is no effect on competition and employment.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 1525—Principal Evaluation Committee Report  
(LAC 28:I.917.A)

The State Board of Elementary and Secondary Education exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B) and approved for advertisement, the addition of the Principal Evaluation Committee Report (1994) as Appendix C of Bulletin 1525, Guidelines for Personnel Evaluation. Page ii of the Table of Contents was amended to include Appendix C - Principal Evaluation Committee Report, 1994. Page 22 of Bulletin 1525 was also amended, under Section 6.0, Evaluation Process Description, second paragraph, add: "For principal evaluation, the process must comply with the recommendations

of the Principal Evaluation Committee Report presented in Appendix C."

The State Department of Education will send the required number of copies of the Principal Evaluation Committee Report (1994) along with the other above-mentioned amendments, to the personnel evaluation contact person for dissemination within his/her local education agency. The Principal Evaluation Committee Report (1994) may be seen in its entirety in the Office of the Louisiana Register, Fifth Floor of the Capitol Annex, in the State Department of Education, or in the Office of the Board of Elementary and Secondary Education located in the Department of Education Building in Baton Rouge, LA.

These revisions to Bulletin 1525 were adopted as an emergency rule, effective March 24, 1994 and printed in the April, 1994 issue of the *Louisiana Register*. The *Louisiana Administrative Code*, Title 28 will be amended to include the Principal Evaluation Committee Report as Appendix C of Bulletin 1525 and as stated below:

**Title 28**

**EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
§917. Personnel Evaluation Standards and Regulations**

**A. Bulletin 1525**

\* \* \*

3. Bulletin 1525 incorporates the Louisiana Components of Effective Teaching and selected pages of the Procedure Manual for the local teacher evaluation program. Bulletin 1525 also includes the Principal Evaluation Committee Report as Appendix C, addendum 1994.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:391.5 et seq.

**HISTORICAL NOTE:** Amended by the Board of Elementary and Secondary Education, LR 20:

Interested persons may submit comments on the proposed amendments until 4:30 p.m., July 8, 1994 to: Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Bulletin 1525-Personnel Evaluation**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The estimated costs for FY 93-94 are for printing of the 1994 revised pages to *Guidelines for Personnel Evaluation, Bulletin 1525, Revised 1992, 1994* (\$2,500) at the state level and none at the local level.

In addition, one copy of the revised pages was mailed to each superintendent and two copies were mailed to the personnel evaluation contact person for the central office and enough copies for each school in his/her LEA to receive two copies. Postage costs are estimated at \$300 to mail the revised pages.

There are no estimated costs for the FY 1994-95.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There is no cost and/or economic benefit to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The printing of the revisions to Bulletin 1525 does not affect competition.

Marlyn Langley  
Deputy Superintendent  
Management and Finance

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Student Financial Assistance Commission Office of Student Financial Assistance

#### LEO Collection Due Diligence (LAC 28:V)

The Student Financial Assistance Commission announces its intention to amend the Louisiana Employment Opportunity (LEO) Loan Program Policy and Procedure Manual policies and procedures for Collection Due Diligence. Chapter 7 of the manual will be amended to read as follows.

Delete the text of 7.1.1 and replace it with the following:

#### 7.1.1 Due Diligence of Lender in Pursuing Delinquencies and Ineligible Borrowers

A. A lender shall pursue a borrower who becomes delinquent in payment of his LEO Loan and a borrower who is, subsequent to disbursement, determined to be ineligible for the loan. Collection due diligence required of the lender begins on the 16th day of delinquency, should be documented in the collection history, and includes completion of the following activities prior to sending the final demand letter:

1. four letters requesting payment with a tone increasing in intensity as the delinquency continues;

2. five attempts to contact the borrower by telephone. In the event the borrower has no phone, the phone is disconnected or phone number is unknown, telephone calls should be made to the references;

3. when the borrower has not been reached by phone, the lender shall attempt to contact each reference by phone in order to assist the lender in making a direct phone contact with the borrower;

4. no gap of more than 45 days must elapse between collection activities. Note that when a loan reaches 80 days of delinquency the lender may, and by the 210th day of delinquency must, submit a preclaims assistance request (see 7.2 for procedures);

5. after completion of the due diligence activities, no earlier than the 150th day, nor later than the 235th day, the lender must send a final demand letter to the borrower, allowing 30 days for a response prior to filing the claim. The

final demand must inform the borrower that his credit will be severely impaired and that he is liable for court action.

B. Failure to comply with the practices outlined could result in the loss of the guarantee or delay the payment of claims and/or result in interest penalties. Improper disbursements made to ineligible borrowers due to lender negligence or improper conduct are not guaranteed by LASFAC.

Delete the current first sentence of 7.1.2 and replace the current second sentence with "The requirement to request Preclaim Assistance (PCA) is not satisfied until the Preclaim Section has received and acknowledged the lender's PCA request."

Delete 7.2.1 A 3 and replace it with "Request Preclaim Assistance when the account becomes no less than 80 nor more than 210 days delinquent."

Delete the 7.2.1 B title "Delinquency Due Diligence" and replace it with "Delinquency Begin Date".

Delete 7.2.3 A 1 and replace it with the following:

1. When a loan reaches 80 days of delinquency the lender is to submit a LASFAC PCA Request. This request must be filed no later than the 210th day of delinquency in order to allow Preclaims 60 days to prevent the default. The earlier the lender files, the more assistance he will receive in resolving the delinquency.

Delete "90th day" from the last sentence of 7.2.3 A 2 and replace it with "80th day."

Delete "90 days" from 7.2.3 B and replace it with "80 days."

Delete "90 days" from 7.2.3 F 1 and replace it with "80 days."

Delete both occurrences of "90 days" from 7.2.3 J and replace them with "80 days."

Delete "90 days" from the first sentence of 7.2.4 B 1 and replace it with "80 days."

Delete "180 days" from the first sentence of 7.2.4 B 2 and replace it with "235 days."

Interested persons may submit written comments on the regulations until 4:30 p.m., July 20, 1994, to: Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: LEO Collection Due Diligence

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Estimated cost to print and disseminate the changed policy to the two current participants is \$5, which funds have been budgeted.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No change in revenue collections is anticipated from this rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Directly affected persons will now have flexible, but still effective, required collection activities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition or employment is anticipated to result from this change.

Jack L. Guinn  
Executive Director

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Student Financial Assistance Commission Office of Student Financial Assistance

#### Lender of Last Resort Program (LAC 28:V.Chapter 3)

The Student Financial Assistance Commission announces its intention to amend the Loan Program Policy and Procedure Manual policies and procedures for Lender of Last Resort (LOLR). Section 2.4 of the manual will be amended to read as follows:

#### Title 28 EDUCATION

#### Part V. Student Financial Assistance

#### Chapter 3. School Eligibility and Participation

#### Subchapter D. Lender of Last Resort

#### 2.4 Lender of Last Resort Policy

To ensure that students are afforded the opportunity to pursue post-secondary education at any institution eligible to participate in the Federal Family Education Loan Program (FFELP), LASFAC shall provide a Lender of Last Resort Program (LOLRP) which ensures that all students eligible to borrow from the Federal Stafford Loan Program have access to the loans provided by that program. Such loans shall not exceed educational need nor be less than \$200. LASFAC's LOLRP is structured to minimize the student's burden in obtaining a Federal Stafford Loan. Accordingly, students that are individually denied a Federal Stafford Loan by a program eligible lender, or those denied loans on the basis of the institution they attend, shall have access to loans in accordance with the procedures outlined herein.

##### 2.4.1 Student Eligibility

In order to qualify for a LOLRP loan, the student must:

A. be a Louisiana resident and/or attending a Louisiana institution;

B. meet Federal Stafford Loan eligibility requirements.

##### 2.4.2 Lender Eligibility

Lender of Last Resort Loans will be arranged directly by LASFAC.

LASFAC will enter into agreements with participating lenders who wish to participate in the LOLRP Program.

##### 2.4.3. Lender of Last Resort Program Procedures

A. Student Based Procedures

1. Initial application follows normal procedures:

a. the student completes the Stafford loan application, indicating his lender of choice and forwards it to his school for certification;

b. the school certifies the loan and (i) sends the application to LASFAC, or (ii) transmits the data to LASFAC via IDEAL and sends the application to the lender;

c. LASFAC guarantees the loan and forwards the loan application (if applicable) and notice of guarantee to the lender of choice.

2. If the loan is denied, the lender returns the application to LASFAC along with a denial letter personally addressed to the borrower.

3. LASFAC will reissue the guarantee and forward the original application to the designated LOLRP participating lender.

4. LASFAC will send the borrower, no later than 60 days after the original application is filed:

a. the original lender's letter of denial;

b. notification that the loan has been approved under the LOLRP program;

c. counseling materials specifically outlining the borrowers repayment obligations.

5. LOLRP loans are subject to disbursement procedures applicable to other Stafford loans.

##### B. School Based Procedures

1. If a participating school has been notified in writing by lending institutions that comprised over 90 percent of LASFAC's volume for the prior federal fiscal year, that these lenders will not approve Subsidized Federal Stafford loans for students attending the institution, the school may seek school based eligibility for LOLRP:

a. LASFAC will provide a list of lenders and their most recent annual volume/percent on request;

b. the school shall obtain and submit copies of the denial letters to LASFAC;

c. once lenders comprising 90 percent of the agency's volume have provided letters, LASFAC will grant the school LOLRP status for all eligible students in attendance;

d. school-based eligibility will be established annually;

e. lenders will be informed of the school's status.

f. the school will be provided a list of LOLRP lenders, along with their DE and suffix code and must assure that loans are assigned proportionately to each LOLRP lender.

2. The student will obtain a LOLRP application packet from the financial aid office at the school.

The student will complete the borrower section of the LOLRP student loan application and submit the completed information to the financial aid office. The school will certify the student loan application, making sure the correct DE/suffix codes have been included, and transmit the loan application to LASFAC through the IDEAL System and forward the completed application to the lending institution or the lender's designated servicer.

3. The school must maintain the original denial letters from lending institutions indicating that they will not make loans to students at that institution.

4. The lender of last resort (LOLR) or the LOLR's designated servicer will complete the lender section and upon receipt of LASFAC's electronically transmitted Notice of



Guarantee and Disclosure Statement, disburse the loan in accordance with applicable policies/procedures.

Interested persons may submit written comments on the regulations until 4:30 p.m., July 20, 1994, addressed to: Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Lender of Last Resort**

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**  
Estimated cost to print and disseminate the changed policy is \$50, which funds have been budgeted.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**  
No revenue collections will result from this policy revision.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**  
The proposed rule change ensures that all eligible borrowers will have access to Federal Family Education Loans without meeting additional requirements. No change in costs is expected to result from the proposed action.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**  
No impact on competition and employment is anticipated to result from this action.

Jack L. Guinn  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT  
Department of Environmental Quality  
Office of Air Quality and Radiation Protection  
Air Quality Division**

**Biomedical Waste and Refuse Incinerators  
(LAC 33:III.2501, 2511, and 2521)  
(Repeal 1319, 5191) (AQ83)**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to repeal LAC 33:III.1319 and 5191 and adopt LAC 33:III.2501, 2511, and 2521 (AQ83).

The proposed rule is to strike existing sections LAC 33:III.1319 and 5191 of Air Quality regulations and reorganize them in LAC 33:III, Chapter 25, Miscellaneous Incineration Rules. The rule is being edited to correct for technical clarifications.

The existing rules appear to be in chapters where they do not directly belong. The new Chapter 25 is specifically set for

miscellaneous incineration rules which will include identical text from the existing LAC 33:III.1319 and 5191.

These proposed regulations are to become effective upon publication in the *Louisiana Register*.

**Title 33  
ENVIRONMENTAL QUALITY  
Part III. Air**

**Chapter 13. Emission Standards for Particulate Matter  
(Including Standards for Some Specific  
Facilities)**

**Subchapter D. Refuse Incinerators**

**§1319. Refuse Incinerators**

Repealed. See new Chapter 25, Miscellaneous Incineration Rules.

**AUTHORITY NOTE:** Promulgated in accordance with R. S. 30:2054.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended, LR 14:348 (June 1988), repealed by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:

**Chapter 51. Comprehensive Toxic Air Pollutant  
Emission Control Program**

**Subchapter W. Incinerators**

**§5191. Standards of Performance for Biomedical Waste  
Incinerators**

Repealed. See new Chapter 25, Miscellaneous Incineration Rules.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2054.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:1119 (October 1992), repealed, LR 20:

**Chapter 25. Miscellaneous Incineration Rules**

**Subchapter A. Scope and General Provisions**

**§2501. Scope**

This Chapter identifies the standards which apply to incineration activities regulated by the state of Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2054.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:

**Subchapter B. Biomedical Waste Incinerators**

**§2511. Standards of Performance for Biomedical Waste  
Incinerators**

**A. Applicability**

1. This Subchapter applies to all incinerators installed and operated in Louisiana for the purpose of reducing potentially infectious medical waste generated in all health and medical care facilities as defined herein.

2. Crematories are exempt from this Subchapter.

**B. Definitions.** The words and terms used in this Subchapter are defined in LAC 33:III.Chapter 51, and LAC 33:III.111 and 3103 unless otherwise specifically defined as follows:

*Antineoplastic Agents*—that portion of potentially infectious medical waste containing chemicals that are administered to deter the growth of abnormal cells and/or tumors.

**Biomedical Waste Incinerator**—any incinerator operated for reducing potentially infectious medical waste generated by health and medical care facilities.

**Chemotherapeutic Waste**—that portion of potentially infectious medical waste containing chemical substances that are administered in the treatment of diseases, especially cancer, and diseases caused by parasites.

**Crematory**—any furnace or incinerator used in the process of burning Type IV waste for the purpose of reducing the volume of the waste by removing combustible matter and vaporizing moisture through the application of heat.

**Health and Medical Care Facilities**—shall include, but not be limited to, hospitals, clinics, dialysis facilities, birthing centers, emergency medical services, physicians' offices, outpatient clinics, nursing homes, extended care facilities, podiatry offices, dental offices and clinics, medical research and diagnostic laboratories, home health care services, mortuaries, blood and plasma centers, blood collection mobile units, and veterinary medical centers.

**Infectious Waste**—that portion of potentially infectious waste which contains pathogens with sufficient virulence and quantity so that exposure to a susceptible host could result in contracting a disease.

**Medical Waste**—that portion of potentially infectious waste generated by operation of programs and offices in health and medical care facilities.

**Potentially Infectious Medical Waste**—a mixture of infectious waste, medical waste, and other waste which may potentially be infectious due to its physical characteristics or by how it was generated in the health care facilities. This includes, but is not limited to, the following types of waste:

- a. cultures and stocks of infectious agents from laboratories;
- b. pathological waste, including human tissue, organs, body parts, and fluids removed during surgery or autopsy;
- c. blood, serum, blood collection bags, tubes, and vials;
- d. needles, scalpels, syringes, pipettes, and other sharp objects used in health care or laboratory settings;
- e. bandages, diapers, and other disposable materials that have been in contact with infected wounds or contaminated by patients isolated to prevent the spread of infectious diseases; and
- f. any other refuse that has been in contact with any potentially infectious medical waste.

**PM<sub>10</sub>**—particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by the method in 40 CFR Part 50, Appendix J.

**PM<sub>10</sub> Emissions**—finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by the methods specified in 40 CFR Part 52.

**Type IV Waste**—human and/or animal remains consisting of corpses, carcasses, organs, and solid organic wastes consisting of up to 85 percent moisture and 5 percent incombustible solids.

#### C. Registration

1. Within 90 days after adoption of these regulations, all facilities operating incinerators designed or operated for the purpose of burning potentially infectious medical waste, shall

submit a supplemental incinerator data form (SID-1) to: Louisiana Department of Environmental Quality, Air Quality Division - Permit Section, P.O. Box 82135, Baton Rouge, LA 70884-2135.

2. All facilities operating unpermitted incinerators designed or operated for the purpose of burning potentially infectious medical waste, shall submit an Application for Approval of Emissions and Emissions Inventory Questionnaire with appropriate permitting information on or before October 20, 1994.

#### D. Incinerator Design Requirements

1. All biomedical waste incinerators (BWIs) shall be multi-chambered units with burners capable of maintaining minimum temperatures of 1500°F in the primary chamber and 1800°F in the secondary chamber. Units burning chemotherapeutic waste, antineoplastic agents, and/or potentially infectious medical waste generated off-site shall require burners capable of maintaining minimum temperatures of 1500°F in the primary chamber and 2000°F in the secondary chamber. Design capacity shall be based on 8500 BTU per pound of waste incinerated. A temperature indicator and/or recorder shall be installed to monitor gas temperatures at the exit of the primary chamber. Internal temperature of the secondary chamber shall be monitored and continuously recorded.

2. All BWIs shall have a minimum retention time of 1.5 seconds for gases in the secondary chamber. Incinerators burning antineoplastic agents, chemotherapeutic waste, and/or potentially infectious medical waste generated off-site shall require a minimum of 2.0 seconds retention time.

3. All BWIs shall be equipped with an interlock that prevents the charge door from opening for 10 minutes after the secondary burner is ignited, or until the secondary chamber exit gases reach 1800°F, whichever occurs first. A visual warning system shall alert the operator when the interlock is bypassed for service or cleaning.

#### E. Restrictions on Emissions

1. All BWIs designed for less than 500 pounds-per-hour charging rate shall not emit PM<sub>10</sub> in excess of 0.08 grains per dry standard cubic foot of flue gas corrected to 7 percent oxygen. BWIs designed for 500 pounds-per-hour or greater charging rate shall not emit in excess of 0.04 grains of PM<sub>10</sub> per dry standard cubic foot of flue gas corrected to 7 percent oxygen.

2. Emission limits for all BWIs shall include:

a. hydrogen chloride (HCl) - no more than four pounds-per-hour, unless controlled through an acid gas scrubber or other control device which achieves a 98 percent reduction of HCl:

i. incinerators designed for 500 pounds-per-hour or greater charging rate shall be equipped with an acid gas control device or shall continuously monitor flue gas to show compliance with HCl emission limits; and

ii. all BWIs which burn waste generated off-site shall be equipped with an acid gas control device of 98 percent efficiency;

b. sulfur dioxide - 100 ppmv (dry basis) at seven percent oxygen or 70 percent reduction through an acid gas control device;

- c. carbon monoxide (one hour rolling average) - 100 ppmv (dry basis) at 7 percent oxygen;
- d. nitrogen oxide - 250 ppmv (dry basis) at 7 percent oxygen;
- e. speciated hydrocarbons and heavy metals emissions must meet the requirements of LAC 33:III.Chapter 51;
- f. opacity of stack gases shall not exceed 10 percent; and
- g. excess oxygen in flue gas - two percent minimum by volume (dry basis).

3. All BWIs designed for 500 pounds-per-hour or greater charging rate shall have a continuous monitoring and recording system installed for oxygen and carbon monoxide.

4. (Reserved)

5. All BWIs shall be designed with a stack emission point which prevents undesirable levels of air contaminants and which does not adversely impact air quality in the local area. All incinerator stack heights must be approved by the administrative authority.

6. All BWIs with a design charging rate in excess of 250 pounds-per-hour shall conduct emission tests to verify compliance with this Subsection for PM<sub>10</sub> and HCl. In addition, BWIs with a design charging rate of 500 pounds or more per hour shall conduct emission tests to verify compliance with the standards for the following pollutants using the test methods from 40 CFR Part 60, Appendix A:

- a. Method 5 - Determination of Particulate Emissions from Stationary Sources (LAC 33:III.6015);
- b. Method 6 - Determination of Sulfur Dioxide Emissions from Stationary Sources (LAC 33:III.6025);
- c. Method 7 - Determination of Nitrogen Oxide Emissions from Stationary Sources (LAC 33:III.6033);
- d. Method 26 - Determination of Hydrogen Chloride Emissions from Stationary Sources (LAC 33:III.6088); and/or
- e. other tests which may be added at pretest meetings.

7. A copy of all monitoring and tests results shall be submitted to the Louisiana Department of Environmental Quality, Air Quality Division, Engineering Section, for review and approval within 45 days of completion of testing.

F. Radioactive Materials. Incineration of radioactive materials shall comply with the requirements of LAC 33:XV.436.

G. Ash Removal and Disposal. The removal, handling, storage, and transportation of ashes from the BWIs shall not allow controllable particulate matter to become airborne in amounts that will cause a public nuisance or cause ambient air quality standards to be violated.

H. Maintenance of Equipment. The BWI, auxiliary equipment, accessories, pollution control devices, and monitoring instruments shall be maintained in proper working order and operated according to manufacturer's instructions at all times that the incinerator is in operation.

I. Restrictions. All batteries and chemotherapeutic waste listed under the Resource Conservation and Recovery Act, 40 CFR 261.33(f), shall be removed from the waste feed stream prior to incineration.

J. Circumvention. No owner or operator subject to the provisions of this Chapter shall build, install, erect, or use any machine, equipment, process, or method, the use of which

conceals an emission that would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an emissions standard and the installation of more than one incinerator to avoid coverage by a standard that applies only to incinerators with greater design charging capacities.

K. Prohibited Activities. No owner or operator shall operate any source subject to this standard in violation of the standards after October 20, 1994.

L. Recordkeeping/Reporting. The owner or operator of any BWI shall keep a daily record of the hours the unit was in operation and the amount of waste incinerated. A separate record shall be kept of all chemotherapeutic waste incinerated that is not listed under the Resource Conservation and Recovery Act, 40 CFR 261.33(f). This record shall show the name of the material, date and time incinerated, and amount burned. Records shall be submitted to the Air Quality Compliance Division by March 31 for the previous calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:

### Subchapter C. Refuse Incinerators §2521. Refuse Incinerators

A. Scope. The purpose of this Subchapter is to prevent the operation or construction of refuse incinerators in such a manner as to cause air pollution.

B. Applicability. This Subchapter applies to all incinerators operated or constructed in the state for the purpose of reducing refuse.

C. Determination of Incinerator Maximum Burning Capacity. The burning capacity of a refuse incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the department in accordance with good engineering practices. In case of conflict, the determination made by the department shall govern.

D. All Incinerators Must be Approved Prior to Installation. All refuse incinerators must be approved by the department prior to installation. Any person planning to install or operate a refuse incinerator must make suitable application to the department. Forms are available from the department.

E. Allowable Emissions from Incinerator. The amount of particulate matter (PM<sub>10</sub>) emitted by a refuse incinerator shall be determined using the test methods from 40 CFR Part 60, Appendix A: Method 5 - Determination of Particulate Emissions from Stationary Sources (LAC 33:III.6015).

F. Restrictions on Emissions

1. No person shall cause or permit the emissions of PM<sub>10</sub> from any refuse incinerator (with a capacity less than 250 pounds-per-hour) in excess of 0.10 grains per dry standard cubic foot of dry flue gas corrected to seven percent excess oxygen or 12 percent carbon dioxide. PM<sub>10</sub> emission limits for larger incinerators are:

Capacity	PM <sub>10</sub>
250-499 pounds-per-hour	0.08
500-1000 pounds-per-hour	0.06
Over 1000 pounds-per-hour	0.04

2. All refuse incinerators must be multi-chambered or equivalent as determined by the department. All multi-chambered incinerators must be equipped with secondary burners of such a design as to assure a temperature in the secondary chamber of at least 1500°F for at least 0.5 seconds for incinerators with a capacity less than 250 pounds-per-hour. The minimum secondary chamber temperature for larger incinerators is:

Capacity	Temperature
250-499 pounds-per-hour	1500°F for at least 1 second
500-1000 pounds-per-hour	1600°F for at least 1 second
Over 1000 pounds-per-hour	1800°F for at least 1 second

3. All refuse incinerators shall be equipped with an interlock that prevents the charge door from opening for ten minutes after the secondary burner is ignited, or until the secondary chamber exit gases reach 1500°F for incinerators with a capacity less than 500 pounds-per-hour, 1600°F with a capacity 500-1000 pounds-per-hour, and 1800°F for incinerators with a capacity greater than 1000 pounds-per-hour, whichever occurs first. A visual warning system shall alert the operator when the interlock is by-passed for service or cleaning.

4. No person shall burn or cause or permit the burning of refuse in any installation which was designed for the sole purpose of burning fuel without the authorization of the administrative authority.

5. All refuse incinerators shall be designed with a stack emission point which does not adversely impact the local area air quality. All incinerator stack heights must be approved by the administrative authority.

6. All secondary combustion chambers shall be equipped with a continuous temperature recorder to measure and record the exit flue gas temperature. All refuse incinerators with a capacity greater than 500 pounds-per-hour shall have a continuous monitoring and recording system installed for CO and O<sub>2</sub> concentration in the exit flue gas.

7. All refuse incinerators which burn waste generated off-site shall be equipped with an acid gas control device of 98 percent efficiency, have a continuous monitoring system for CO and O<sub>2</sub>, and have a secondary combustion chamber burner capable of maintaining a minimum temperature of 1800°F for at least one second in the secondary chamber.

8. Emission limits for all refuse incinerators shall include:

a. hydrogen chloride (HCl) - no refuse incinerators shall emit hydrogen chloride in excess of four

pounds-per-hour, or they shall operate a control device with a minimum efficiency of 98 percent. All incinerators over 500 pounds-per-hour design capacity shall be equipped with a 98 percent efficient HCl control device or shall continuously monitor flue gas to show compliance with HCl emission limits;

b. carbon monoxide - 100 ppmv maximum (one hour rolling average) dry basis at seven percent oxygen;

c. nitrogen dioxide - 250 ppmv maximum dry basis at seven percent oxygen;

d. excess oxygen in flue gas - 2 percent minimum by volume dry basis;

e. opacity of stack gases shall not exceed 10 percent; and

f. sulfur dioxide - 100 ppmv maximum dry basis at 7 percent oxygen or 70 percent control.

10. All refuse incinerators with a design charging rate in excess of 250 pounds-per-hour shall conduct emission tests to verify compliance with this Subsection for PM<sub>10</sub> and HCl. In addition, all refuse incinerators with a design charging rate of 500 pounds or more per hour shall conduct emission tests to verify compliance with the standards for the following pollutants using the test methods from 40 CFR Part 60, Appendix A:

a. Method 5 - Determination of Particulate Emissions from Stationary Sources (LAC 33:III.6015);

b. Method 6 - Determination of Sulfur Dioxide Emissions from Stationary Sources (LAC 33:III.6025);

c. Method 7 - Determination of Nitrogen Oxide Emissions from Stationary Sources (LAC 33:III.6033);

d. Method 26 - Determination of Hydrogen Chloride Emissions from Stationary Sources (LAC 33:III.6088); and/or

e. other tests which may be added at pretest meetings.

11. A copy of all monitoring and tests results shall be submitted to the Louisiana Department of Environmental Quality, Air Quality Division, Engineering Section, for review and approval within 45 days of completion of testing.

G. Control of Particulate Matter. No person shall cause or permit the handling, use, transport, or storage of any material in a manner which allows or may allow particulate matter, fly ash, etc., to become airborne in amounts that will cause a public nuisance or cause ambient air quality standards to be violated.

H. All Incinerator Equipment to be Kept in Good Working Condition. All equipment, accessories, and appurtenances, (i.e. secondary burners, etc.) of a refuse incinerator installation shall be maintained in proper working condition and shall be operational at all times when the refuse incinerator is in use. (See also LAC 33:III.905 and 915.E)

AUTHORITY NOTE: Promulgated in accordance with R. S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:

A public hearing will be held on June 24, 1994, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability

need an accommodation in order to participate please contact David Hughes at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Friday, July 1, 1994, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 82282, Baton Rouge, LA, 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA, 70810 or to FAX number (504) 765-0486. Commentors should reference this proposed regulation by Log AQ83.

James B. Thompson, III  
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Incinerator Rules**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no significant impact to either cost or savings resulting from the promulgation of this rule. The advantage is one of editing and housekeeping.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no significant impact to revenue collections resulting from the promulgation of this rule. The advantage is one of editing and housekeeping.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

The directly affected facilities will not experience any costs or economic benefits from the promulgation of this rule. The advantage is one of editing and housekeeping.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no effect on competition or employment.

Gus Von Bodungen  
Assistant Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of Air Quality and Radiation Protection  
Radiation Protection Division**

**Performance Standards for Crematories  
(LAC 33:III.2531) (AQ90)**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division

Regulations, LAC 33:III.2531 (AQ90).

This rule establishes the following standards of performance for crematories: (1) definition of waste types allowed to be incinerated in crematories; (2) compliance schedule for new, modified, and existing facilities; (3) emission limits for particulate matter and carbon monoxide; (4) equipment operating parameters; (5) required control equipment; (6) testing and recordkeeping requirements; (7) operator training requirements.

LAC 33:III.5191 regulated crematories as Biomedical Waste Incinerators (BWIs). This was not appropriate because of the nature of the material incinerated in a crematory. BWIs such as those found at hospitals burn a variety of materials including syringes, gauze, various plastics and metals, and paper in addition to pathological wastes. Incinerating these materials results in emissions of chlorides, metals, carbon monoxide, particulate matter, nitrogen oxides, and other trace gases. Crematories, however, only incinerate pathological remains resulting in emissions of mostly particulate matter and carbon monoxide. This same reasoning was used in the EPA's decision to reclassify crematories from medical waste incinerators (MWIs) to Other Solid Waste Incinerators (OSWIs) according to the *Federal Register* of November 2, 1993. When §5191 was edited and became Chapter 25, crematories were removed from the regulation for the above-stated reason. The proposed regulation is necessary in order to control crematory emissions according to R.S. 30:2054.

These proposed regulations are to become effective upon publication in the *Louisiana Register*.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part III. Air**

**Chapter 25. Miscellaneous Incineration Rules**

**Subchapter D. Crematories**

**§2531. Standards of Performance for Crematories**

A. The provisions of this Subchapter apply to all new, modified, reconstructed, and existing crematories used in the disposal of Type IV wastes and their appropriate containers.

B. Definitions. Terms used in this Section are defined in LAC 33:III.111 of these regulations with the exception of those terms specifically defined below as follows:

*Appropriate Containers*—containers may hold up to 0.5 percent chlorinated plastics as demonstrated by the manufacturer's data sheet. Plastic bags used as containers for animal remains shall be nonchlorinated and no less than three mils thick.

*Crematory*—any furnace or incinerator used in the process of burning Type IV waste for the purpose of reducing the volume of the waste by removing combustible matter and vaporizing of moisture through the application of heat.

*Reconstruction*—replacing, repairing, or upgrading equipment where the fixed capital cost of new components exceeds 50 percent of the fixed capital cost of a comparable entirely new source. Any final decision as to whether reconstruction has occurred must be made in accordance with the provisions of LAC 33:III.3129.F.1 - 3.

*Type IV Waste*—human and animal remains consisting of carcasses, organs, and solid organic wastes comprising up to 85 percent moisture and five percent incombustible solids.

### C. Wastes to be Incinerated

1. Animal Crematories. Facilities used for the incineration of animal remains shall incinerate only animal remains, their appropriate containers and, if applicable, bedding. Facilities subject to this regulation shall not incinerate dead animals which were used for biomedical or commercial experimentation. The bodies of animals used for these purposes shall only be incinerated in a biomedical waste incinerator.

2. Human Crematories. Facilities used for the incineration of human remains shall incinerate only human remains with their appropriate containers. Bodies may be clothed.

### D. Compliance Schedule

1. Any new, modified, or reconstructed facility regulated under Subsection A of this Section for which a complete application for a permit to construct was received after promulgation of this regulation shall comply with all of the requirements of this Subchapter before operation may commence.

2. Any facility regulated under Subsection A of this Section which was constructed before promulgation of this regulation must comply with all of the requirements of this Subchapter upon promulgation of this regulation with the following exceptions:

- a. operating parameter requirements of Subsection F of this Section shall be complied with no later than one year after promulgation of this regulation;
- b. control equipment requirements of Subsection G of this Section shall be complied with no later than one year after promulgation of this regulation;
- c. incinerator physical parameter requirements of Subsection H of this Section shall be complied with no later than two years after promulgation of this regulation; and
- d. operator training requirements of Subsection I of this Section shall be complied with no later than 18 months after promulgation of this regulation.

### E. Emission Limitations

1. Particulate matter (PM<sub>10</sub>) emissions shall not exceed 0.08 grains per dry standard cubic foot of flue gas, corrected to seven percent O<sub>2</sub>.

2. Carbon monoxide (CO) emissions shall not exceed 100 ppm., dry basis, corrected to seven percent O<sub>2</sub>.

### F. Operating Parameters

1. The incinerator shall operate with visible emissions not to exceed five percent average opacity, except that visible emissions not exceeding 20 percent average opacity are allowed for not more than one three-minute period in any 60 consecutive minutes.

2. The incinerator shall operate with no objectionable odors.

3. Incineration or ignition of waste shall not begin until the secondary (or last) combustion chamber temperature requirement is attained. All air pollution control and continuous emission monitoring equipment shall be operational and functioning properly prior to the incineration or ignition of waste and until all the wastes are incinerated. During shutdowns, the secondary (or last) combustion chamber temperature shall be maintained using auxiliary burners until

the wastes are completely combusted.

4. A manufacturer's nameplate with the following information must be visible on the incinerator:

- a. model number;
- b. maximum design feed rate;
- c. design operating temperatures for the primary and secondary chambers; and
- d. design retention time in the secondary chamber.

5. All equipment, accessories, and appurtenances, (i.e., secondary burners, control equipment, etc.) of a crematory incinerator shall be maintained in proper working condition and shall be operational at all times when the crematory is in use.

6. The crematory shall not be operated unless it is operated by an operator who has satisfactorily completed the training required by Subsection I of this Section.

### G. Control Equipment

1. Each facility shall install, operate, and maintain continuous monitors to record temperature at the point where the 1.0 second gas residence time is obtained in the secondary chamber combustion zone in accordance with the manufacturer's instructions.

2. The incinerator shall be equipped with an interlock which prevents the primary burners from igniting when the secondary chamber temperature is below the required operating limits.

### H. Incinerator Physical Parameters

1. Any facility regulated under Subsection A of this Section which commences construction, modification, or reconstruction after promulgation of this regulation shall provide design calculations to confirm a sufficient volume in the secondary (or last) chamber combustion zone to provide for at least a 1.0 second gas residence time at 1800°F. Primary chamber and stack shall not be used in calculating this residence time. The actual operating temperature of the secondary (or last) chamber combustion zone will be not less than 1600°F throughout the combustion process. The primary chamber shall not be charged unless the secondary (or last) chamber combustion zone temperature is equal to or greater than 1600°F.

2. Any facility regulated under Subsection A of this Section which was constructed before promulgation of this regulation shall provide design calculations to confirm a sufficient volume in the secondary (or last) chamber combustion zone to provide for at least a 1.0 second gas residence time at 1600°F. Primary chamber and stack shall not be used in calculating this residence time. The actual operating temperature of the secondary (or last) chamber combustion zone will be not less than 1400°F throughout the combustion process. The primary chamber shall not be charged unless the secondary (or last) chamber combustion zone temperature is equal to or greater than 1400°F.

### I. Operator Training

1. Any operators of crematories shall be trained by the equipment manufacturer's representatives or an equivalent state-approved organization. The training shall provide:

- a. a basic understanding of the principles of the combustion process, instrumentation, and control equipment;
- b. instruction on the operation and maintenance of the

incinerator; and

c. an increase in awareness of regulatory requirements and safety concerns.

2. Training programs shall be a minimum of eight hours instruction and shall provide (at a minimum) hands-on experience involving:

- a. start-up;
- b. operation of at least one full incineration cycle;
- c. shut-down of equipment; and
- d. one full cycle of preventative maintenance actions.

3. The content of the training program shall be submitted to the department for approval.

4. For each person who successfully completes training, a certificate or other proof of training shall be required.

#### J. Recordkeeping and Reporting

1. The facility owner/operator shall maintain the following records on the facility premises at all times, and present them to an authorized representative of the department upon request:

- a. application approval records and permit to construct/operate;
- b. all other necessary permits and authorizations from local and/or other state regulatory agencies;
- c. equipment maintenance records;
- d. operator training certificates;
- e. copies of all test results;
- f. daily record of the number of hours of operation;

and

g. all records of upset conditions with time and duration of upset noted.

2. A copy of all test results shall be submitted to the Louisiana Department of Environmental Quality/Air Quality Division for review and approval within 45 days of completion of testing.

3. A copy of all operator training certificates or other proof of training shall be submitted to the department within 30 days of successfully completing the training.

#### K. Testing

1. All facilities shall conduct a visual emissions test initially upon start-up and once every five years to verify compliance with Subsection F.1 of this Section. Testing shall comply with LAC 33:III.6047 (Method 9 - Visual Determination of the Opacity of Emissions from Stationary Sources).

2. All crematories with a design charge rate greater than 500 pounds per hour shall conduct emissions testing within 180 days of initial start-up to verify compliance with Subsection E.1-2 and F.1 of this Section using the following test methods:

- a. LAC 33:III.6015 (Method 5 - Determination of Particulate Emissions from Stationary Sources);
- b. 40 CFR 60 (Method 10 - Determination of Carbon Monoxide Emissions from Stationary Sources);
- c. LAC 33:III.6047 (Method 9 - Visual Determination of the Opacity of Emissions from Stationary Sources); and
- d. other tests which may be added at pretest meetings.

3. The owner/operator shall provide the department at least 30 days prior notice of any emission test to afford the department the opportunity to conduct a pretest conference and to have an observer present. The department has the authority

to invalidate any testing where such notice is not provided.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2054.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:

A public hearing will be held on June 24, 1994, at 1:30 p.m. in the Maynard Ketcham Building, (Room 326), 7290 Bluebonnet Boulevard, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact David Hughes at the address given below or at (504)765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Friday, July 1, 1994, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 82282, Baton Rouge, LA, 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810 or FAX to 504-765-0486. Commentors should reference this proposed regulation by Log AQ90.

James B. Thompson, III  
Assistant Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Performance Standards for Crematories

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Additional cost to state government is estimated at \$12,480 for the first year to cover registration, inspection, and the approval of operator training programs. The cost is estimated at \$2,080 per year thereafter for inspection and enforcement. Costs to local government units will be offset by revenues generated from the increase in fees charged for disposal.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

An additional one-time state revenue of \$10,400 and an annual revenue of \$2,080 is anticipated from the registration and annual maintenance fees which will be charged to all crematories. Additional revenue for local government units is anticipated due to increased rates charged by municipal animal shelters to cremate animals.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Each animal and human crematory will be charged a permitting fee of \$520, an annual maintenance fee of \$104. The estimated cost to install control equipment for an existing crematory is \$5,000. For new facilities, the cost to include control equipment is \$3,500.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Effects on competition within the industry are expected to be negligible. The only alternative to cremation of animal remains is landfilling. The only alternative to human cremation is burial. There is a huge cost advantage of cremation over a burial (\$533 vs. \$3,000) and therefore very little competition to the crematory industry.

Gus Von Bodungen  
Assistant Secretary

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Environmental Quality Office of Solid and Hazardous Waste Hazardous Waste Division

#### HSWA I SOG Revisions (LAC 33.V.Chapters 1-43) (HW40F)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste Division regulations, LAC 33:V.Chapters 1-43 (HW40F).

These proposed rule changes include provisions for a broad scope of topics including definitions, treatment, storage, and disposal facility permits, permit applications, generators, transporters, treatment, storage and disposal facilities, surface impoundments, incinerators, and interim status. These rule changes are being submitted in order to bring state rules into conformity with federal rules and to obtain authorization by the EPA.

These proposed regulations are to become effective upon publication in the *Louisiana Register*.

A public hearing will be held on June 24, 1994, at 1:30 p.m. in the Maynard Ketcham Building, (Room 326), 7290 Bluebonnet Boulevard, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact David Hughes at the address given below or at (504)765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Friday, July 1, 1994, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 82282, Baton Rouge, LA, 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA, 70810 or to fax number (504)765-0486. Commentors should reference this proposed regulation by Log HW40F. Check or money order is required in advance for each copy of HW40F.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 31st Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3945 North I-10 Service Road West, Metairie, LA 70002; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508, and also at the Office of the State Register, 1051 North Third Street, Room 512, Baton Rouge, LA 70802.

James B. Thompson, III  
Assistant Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: HSWA I SOG Revisions

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
These rule changes are being submitted in order to bring state rules into conformity with federal rules to obtain authorization by the EPA. Consequently, there will be no costs or savings associated with this proposal.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
These rule changes will have no effect on revenue collections. These rule changes are being submitted in order to bring state rules into conformity with federal rules.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There are no anticipated costs or economic benefits associated with the proposed rule changes.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There are no anticipated effects on competition or employment since all members of the regulated community must follow the same rules and because these rules are being issued to bring state rules into conformity with federal rules.

Glenn A. Miller  
Assistant Secretary

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Environmental Quality Office of Solid and Hazardous Waste Hazardous Waste Division

#### HSWA I SOG Revisions (LAC 33:V.Chapters 1-43) (HW40L)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste Division regulations, LAC 33:V.Chapters 1-43 (HW40L).

These rule changes are being submitted in order to bring state rules into conformity with federal rules, as well as clarify existing rules to obtain authorization by the EPA. Provisions which are more stringent (LAC 33:V.Chapter 39) are presently in place and are being amended for clarification purposes. Two provisions presently equivalent to federal rules are proposed to be amended as more stringent provisions. LAC 33:V.1109.E.8-9 and 1307.I contradict other state provisions currently being enforced and therefore are being deleted. There will be no costs or savings to the state associated with this proposal.

These proposed regulations are to become effective upon publication in the *Louisiana Register*.

A public hearing will be held on June 24, 1994, at 1:30



p.m. in the Maynard Ketcham Building, (Room 326), 7290 Bluebonnet Boulevard, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact David Hughes at the address given below or at (504)765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Friday, July 1, 1994, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 82282, Baton Rouge, LA, 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA, 70810 or to fax number (504) 765-0486. Commentors should reference this proposed regulation by Log HW40L. Check or money order is required in advance for each copy of HW40L.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 31st Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3945 North I-10 Service Road West, Metairie, LA 70002; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508 and also the Office of the State Register, 1051 North Third Street, Room 512, Baton Rouge, LA 70802.

James B. Thompson, III  
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: HSWA I SOG Revisions**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

These rule changes are being submitted in order to bring state rules into conformity with federal rules, as well as clarify existing rules to obtain authorization by the EPA. Provisions which are more stringent (LAC 33:V.Chapter 39) are presently in place and are being amended for clarification purposes. Two provisions presently equivalent to federal rules are proposed to be amended as more stringent provisions. LAC 33:V.1109.E.8-9 and 1307.I contradict other state provisions currently being enforced and therefore are being deleted. Consequently, there will be no costs or savings associated with this proposal.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

These rule changes will have no effect on revenue collections. These rule changes are being submitted in order to bring state rules into conformity with federal rules, as well as clarify existing rules.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

There are no anticipated costs or economic benefits associated with the proposed rule changes.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There are no anticipated effects on competition or

employment since all members of the regulated community must follow the same rules and because these rules are being issued primarily to clarify existing rules.

Glenn A. Miller  
Assistant Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Office of Public Health**

**Sanitary Code—Sewage Installation Licenses (Chapter XIII)**

Under the authority of R.S. 40:4 and 40:5, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health intends to amend Chapter XIII of the State Sanitary Code as it relates to the licensing procedures for installers of individual sewage systems.

**Chapter XIII  
Sewage Disposal**

\*\*\*

**13:014-1**

Any person who wishes to engage in the business of installing or providing maintenance of individual sewage systems shall obtain, in accordance with the procedures set forth in Section 13:023 of this Chapter, a license for such activity prior to making any such installations or maintenance. Such a license shall not be required, however, for an individual wishing to install an individual sewage system, other than an individual mechanical plant, for his own private, personal use. Individual mechanical plants shall be installed and maintenance provided by licensed individual sewage system installers and/or maintenance providers only.

**13:014-2**

A person installing or providing maintenance of an individual sewage system and the person who is the owner of the premises shall both be responsible for violations of Sections 13:012 and 13:013.

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**Licensing Procedures for Installers  
and/or Maintenance Providers  
of Individual Sewage Systems**

**13:023-1 License Types**

Two "types" of licenses are offered; 1) a "basic" license for installation and maintenance of facilities other than individual mechanical plants only, and 2) a mechanical "endorsement" to the basic license to allow installation and maintenance of individual mechanical plants as well. A mechanical plant "endorsement" may be obtained only in conjunction with a basic license, and is considered to be a separate license.

**13:023-2 Application**

Applications (including all required certifications and request for examination) for an "Individual Sewage System Installer and/Or Maintenance Provider" license may be obtained from the nearest parish health unit. Applications must be submitted

to the Chief Sanitarian, Sanitarian Services Section, P.O. Box 60630, New Orleans, LA 70160. All licenses shall be issued by this office upon successful completion of the required examination(s), and shall be valid throughout the entire state.

### 13:023-3 Qualifications

A. For a "basic" license, the applicant shall submit, along with the license application and request for examination, an affidavit certifying that he has obtained, read, and understands the provisions of this Chapter of the Sanitary Code, including Appendix A thereto, and will make installations and/or provide maintenance in compliance therewith. Copies of a standard affidavit form and request for examination form may be obtained from any parish health unit. For an individual mechanical plant "endorsement" the applicant shall submit, along with the license application and request for examination, a certification from the manufacturer of the brand of plant he wishes to install and/or maintain, specifying that this specifically named installer and/or maintenance provider (person) is certified by said manufacturer as competent and capable of installing and/or maintaining said plants properly, and in compliance with the requirements of the manufacturer and this code. New applications will not be processed unless accompanied by the required certification information and request for examination.

B. All persons seeking to apply for a new or renewal license for 1995 and thereafter, must, at their own expense, attend and successfully complete, a training course approved by the Sanitarian Services Section of the Office of Public Health, Department of Health and Hospitals as a prerequisite for licensure. This course will be offered at least once annually.

C. All licensees must successfully repeat this training course every five years.

D. A listing of training course dates, times and locations will be maintained in the various sanitarian regional managers offices and periodically updated.

E. In the event the annual training course is not available for more than 60 days, the sanitarian regional manager may issue a temporary license provided the applicant meets all of the other requirements cited in this section and attends a seminar and passes an examination administered by the sanitarian regional manager. This temporary license shall terminate 60 days after the next available annual training course.

### 13:023-4 Examination

Upon compliance with all qualification requirements, the applicant will be scheduled for the appropriate examination(s). Examinations will be administered as necessary by the Office of Public Health. Upon the satisfactory completion of the examination (with a passing grade of 70 person or greater), the Office of Public Health will issue a license.

### 13:023-5 Renewal

All licenses expire on January 31 of each new year. Applications for renewal should be received at the office of the chief sanitarian no later than December 1 of each year in order to insure timely renewal.

### 13:023-6 Suspension or Revocation of License

Upon determination by the state health officer of substantial noncompliance with the requirements of this Code of any

installation or maintenance made subsequent to the effective date of these regulations, notice shall be given to the licensee having made said noncompliant installation or maintenance that his license has been temporarily "suspended" pending a hearing in the matter to consider whether sufficient grounds for revocation of the license exist. The licensee shall be notified of the date of the hearing within seven working days from the date of the "Notice of Suspension". The date for such hearing shall be set within 15 working days of the date of the "Notice of Suspension".

### 13:023-7 Reinstatement of License

Upon revocation of a license, an installer or maintenance provider shall not be eligible to reapply for the same license or apply for a new license for a period of two years from the date of revocation.

\* \* \*

A public hearing will be held on Thursday, June 23, 1994, at 10 a.m. in the Third Floor Training Room of the Department of Health and Hospitals office at 1201 Capitol Access Road, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than close of business June 20, 1994, to James O. Ricks, Jr., Individual Sewage Program Manager, Box 60630, New Orleans, LA 70160.

Rose V. Forrest  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Sewage Installation Licenses

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no anticipated implementation costs (savings) to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Each installer and maintenance provider will, at their own expense, be required to take the training course (estimated at \$50 per person).
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Since all installers and maintenance providers will be required to take the training course, there will be no effect on competition and employment.

Eric T. Baumgartner, M.D.  
Assistant Secretary

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Health and Hospitals Office of the Secretary

Case Management Licensing Standards  
(LAC 48:I.Chapter 49)

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Department of Health and Hospitals, Office of the Secretary under the authority vested in R.S. 28:380-451 plans to adopt the following revised licensing standards for Department of Health and Hospitals (DHH) case management providers. This proposed rule in no way alters the current licensing requirements for Department of Social Services providers.

The purposes of these revisions are to enhance the quality and cost effectiveness of case management services funded through DHH and provided to eligible individuals. This proposed rule supersedes all rules previously promulgated related to licensing of DHH case management only.

Copies of this proposed rule may be obtained from the Office of the State Register, 1051 North Third Street, Room 512, Baton Rouge, LA or at the Department of Health and Hospitals at the address below.

Interested persons may submit written comments on this proposed rule to Suzanne Danilson, Office of the Secretary, Box 629, Baton Rouge, LA 70821. A public hearing will be held on this matter at 9:30 a.m., Tuesday, June 28, 1994, in the DOTD Auditorium, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested parties will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing. The deadline date for receipt of all comments is 4:30 p.m., on the day following the public hearing.

Rose V. Forrest  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

**RULE TITLE: Licensing Standards for Case  
Management/Service Coordination**

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The estimated cost to the state associated with the implementation of this proposed rule is \$500 for administrative expenses SFY 1995 but there are no estimated costs for SFY 1996 and for SFY 1997.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections on state and local governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON- GOVERNMENTAL GROUPS (Summary)

There are no estimated costs or economic benefits to affected persons or nongovernmental groups.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

John Futrell  
Deputy Secretary

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

#### Disproportionate Share Hospital Payments

The Department of Health and Hospitals, Office of Secretary, Bureau of Health Services Financing, is proposing to adopt the following rule in the Medicaid Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This proposed rule is in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Medicaid Program previously reimbursed hospitals serving a disproportionate share of low income patients via three pools with payments based on Medicaid days. These pools based on Medicaid days are acute care teaching hospitals, acute care non-teaching hospitals, and distinct part psychiatric units/free-standing psychiatric hospitals. This payment methodology was implemented effective March 1, 1993 by means of emergency rulemaking to ensure compliance with the state cap on disproportionate share payments as a result of Public Law 102-234 and federal regulations published November 24, 1992. This department published a notice of intent in the *Louisiana Register* on April 20, 1993 and a rule was adopted and published on November 20, 1993, in the *Louisiana Register*, pages 1432-1433. In addition, disproportionate share payments for indigent care based on free care days were made by establishment of an additional disproportionate share indigent pool via emergency rulemaking originally adopted on January 1, 1993 and then continued in force through the adoption of subsequent emergency rules published in the April, September, and December 20, 1993 issues of the *Louisiana Register*. A notice of intent on the indigent payment methodology was published in the April 20, 1993 issue of the *Louisiana Register* and public hearings were held on May 25, 1993 and on January 25, 1994.

The Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66) amended Section 1923 (Adjustment in Payments for Inpatient Hospital Services Furnished by Disproportionate Share Hospitals) of the Social Security Act (42 U.S.C. Section 1396r-4) by establishing individual hospital disproportionate share payment limits. Therefore the bureau restructured its disproportionate share payment methodology to address a fiscal crisis and to comply with the Health Care Financing Administration's policy on this federal statute. This restructuring incorporated provisions to: establish pools and specify the qualifying criteria for each pool, limit indigent per

diem payments to each hospital's total Medicaid per diem equivalent amount, allow the director of the Bureau of Health Services Financing to adjust original pool amounts within the federal fiscal year, allow the bureau to issue the disproportionate share pool amounts in multiple payments.

This restructuring was implemented by means of the February 1, 1994 emergency rule which revised the disproportionate share payment methodologies for Medicaid days and indigent care days and established a reconciliation pool payment methodology. This emergency rule and a notice of intent on this matter were published in the February 20, 1994, *Louisiana Register*, Volume 20, No. 2. The emergency rule amended the November 20, 1993 rule on Medicaid days payment methodology and superseded the December 27, 1993 emergency rule on indigent care days payment methodology. The emergency rule effective March 30, 1994 established the disproportionate share payment methodologies for Medicaid days and indigent care days and amended and superseded the February 1, 1994 emergency rule and this notice of intent amends and supersedes the notice of intent published in the February 20, 1994 issue of the *Louisiana Register*, Volume 20, No. 2 cited above.

#### **Proposed Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends its methodologies for calculating disproportionate share payments for inpatient hospital services for Medicaid days and indigent care days. Below are the following revised methodologies as modified in the State Plan, Attachment 4.19-A Items 1, 14, and 16 - Methodology for Disproportionate Share Adjustments.

#### **Disproportionate Share Payments - Medicaid Days Pool Payments**

Qualification and payment adjustment for disproportionate share shall be based on the hospital's year end cost report for the year ending during April 1 through March 31 of the previous year. Example: Hospital has a fiscal year ending November 30, any disproportionate share payment made after April 1, 1994 would be based on the November 30, 1993 cost report. Effective April 1995, payment would be made on the hospital's November 30, 1994 cost report. Hospitals which have not filed a cost report by March 31, 1994 will not participate in the disproportionate share payment pools from April 1, 1994 through March 31, 1995. Hospitals which meet the qualification criteria outlined in Item 1, D.1. a-d, based on the latest filed fiscal year end cost report as of March 31 of each year shall be included in not more than two of following 12 pools for calculation of disproportionate share payments. For hospitals with distinct part psychiatric units, qualification is based on the entire hospital's utilization, but for purposes of disproportionate share hospital payment adjustments, the distinct part psychiatric units shall be placed in the psychiatric pools while the acute medical/surgical shall be included in the appropriate teaching or non-teaching pool. Hospitals must meet the criteria for the pool classification based on their latest filed fiscal year-end cost report as of March 31 of each year. A hospital's operational status as of March 31 of each year will be verified through departmental records to determine the appropriate pool(s) in

which it should participate. These 12 pools are as follows:

1) *Public State-Operated Teaching Hospitals*—state-operated acute care general hospitals (exclusive of distinct part psychiatric units) recognized as approved teaching hospitals under criteria specified below.

2) *Public State-Operated Non-teaching hospitals*—state-operated acute care general hospitals (exclusive of distinct part psychiatric units) not recognized as approved teaching hospitals under criteria specified below.

3) *Public State-Operated Teaching Distinct Part Psychiatric Units/Freestanding Psychiatric Hospitals*—state-operated distinct part psychiatric units/freestanding psychiatric hospitals which meet the criteria for recognition as teaching hospitals under criteria specified below.

4) *Public State-Operated Non-teaching Distinct Part Psychiatric Units/Freestanding Psychiatric Hospitals*—state-operated distinct part psychiatric units/freestanding psychiatric hospitals which do not meet the criteria for recognition as teaching hospitals under criteria specified below.

5) *Public Local Government Acute Hospitals*—local government owned acute care general and long term care hospitals (exclusive of distinct part psychiatric units).

6) *Public Local Government Distinct Part Psychiatric Units/Freestanding Psychiatric Hospitals*—local government-owned distinct part psychiatric units/freestanding psychiatric hospitals

7) *Private Rural Acute Hospitals*—privately owned acute care general and long term care hospitals which are designated as a rural hospital under criteria specified below (exclusive of distinct part psychiatric units).

8) *Private Rural Distinct Part Psychiatric Units/Freestanding Psychiatric Hospitals*—privately-owned distinct part psychiatric units/freestanding psychiatric hospitals which are located in a rural area under criteria specified below.

9) *Private Teaching Hospitals*—privately owned acute care general and long term care hospitals (exclusive of distinct part psychiatric units) which are recognized as approved teaching hospitals under criteria specified below.

10) *Private Urban Non-teaching hospitals*—privately owned acute care general and long term care hospitals (exclusive of distinct part psychiatric units) which are designated as urban hospitals and not recognized as approved teaching hospitals, under criteria specified below.

11) *Private Teaching Distinct Part Psychiatric Units/Freestanding Psychiatric Hospitals*—privately owned distinct part psychiatric units/freestanding psychiatric hospitals which meet the criteria for recognition as approved teaching hospitals, under criteria specified below.

12) *Private Urban Non-teaching Distinct Part Psychiatric Units/Freestanding Psychiatric Hospitals*—privately-owned distinct part psychiatric units/freestanding psychiatric hospitals which are located in an urban area and do not meet the criteria for recognition as approved teaching hospitals, under criteria specified below.

The definitions for hospital classifications applicable to the above Medicaid days pools are given below.

*Distinct part psychiatric unit/Free-standing psychiatric hospital*—Distinct part psychiatric units of acute care general

hospitals meeting the Medicare criteria for PPS exempt units and enrolled under a separate Medicaid provider number and freestanding psychiatric hospitals enrolled as such. This also includes distinct part psychiatric units of long term care hospitals or rehabilitation hospitals.

**Rural Hospital**—A hospital that is not located in a Metropolitan Statistical Area as defined per the 1990 census. This excludes any reclassification for Medicare.

**Teaching Facility**—A teaching hospital is defined as a licensed acute care hospital in compliance with the Medicare regulations regarding such facilities, or a specialty hospital that is excluded from the prospective payment system as defined by Medicare. A teaching hospital must have a written affiliation agreement with an accredited medical school to provide post graduate medical resident training in the hospital for the specialty services provided in the specialty hospital. The affiliation agreement must contain an outline of its program in regard to staffing, residents at the facility, etc. A distinct part or carve-out unit of a hospital shall not be considered a teaching hospital separate from the hospital as a whole. Teaching hospitals that are not recognized by Medicare as an approved teaching hospital must furnish copies of graduate medical education program assignment schedules and rotation schedules to the Department.

**Urban Hospital**—A hospital located in a Metropolitan Statistical Area as defined per the 1990 census. This excludes any reclassification under Medicare.

Hospitals which qualify as of March 31 of each year under the provisions in the approved state plan with fiscal year-end cost reports which do not reflect 12 months of cost report data shall have Medicaid days annualized by the bureau for purposes of the above pools. This includes hospitals which have partial year fiscal year-end cost reports as well as hospitals which added beds during the year to ensure that these are equally represented in the pool for the period of time to which the DSH payments will apply. Hospitals which request annualization of Medicaid days for purposes of the above pools must submit sufficient documentation to the bureau. All days included in the pool will be weighted by a factor of 1.0. This includes days for hospitals that were previously recognized as "Medicaid dependent hospitals" and a factor of 1.25 was used.

Disproportionate share payments for each pool shall be calculated based on the product of the ratio determined by dividing each qualifying hospital's total Medicaid inpatient days for the applicable cost report as adjusted for annualization by the total Medicaid inpatient days provided by all such hospitals in the state qualifying as disproportionate share hospitals in their respective pools and then multiplied by an amount of funds for each respective pool to be determined by the director of the Bureau of Health Services Financing. Total Medicaid inpatient hospital days include Medicaid nursery days, but do not include SNF or swing-bed days.

Partial payments based on the above Medicaid pools may be made in February and March of 1994. Subsequent payments shall be made on dates as determined by the secretary of the Department of Health and Hospitals.

If at audit or final settlement of the cost reports on which the pools are based, the above qualifying criteria are not met,

or the number of Medicaid inpatient days are reduced from those originally reported, appropriate action shall be taken to recover any over payments resulting from the use of erroneous data. No additional payments shall be made if an increase in days is determined after audit.

Hospitals/units which close or withdraw from the Medicaid Program shall become ineligible for further DSH pool payments.

#### **Disproportionate Share Payments - Indigent Care (Free Care)**

In addition to the 12 pools based on Medicaid days described above, the Bureau will continue to reimburse qualifying hospitals (hospitals which meet the qualifying criteria in Item 1.D.1 a-d) an additional disproportionate share adjustment payment based on the hospital's number of indigent care days provided under a indigent care plan approved by the bureau. Payment(s) shall be made during the federal fiscal year to qualifying disproportionate share hospitals for indigent care days based on the following criteria.

1) The indigent disproportionate share adjustment per diem payment will be equal to each hospital's total Medicaid per diem equivalent amount. The Medicaid per diem equivalent amount is the sum of the provider's base Medicaid per diem (cost based or prospective, as applicable) plus the provider's Medicaid disproportionate share per diem as established according to the Medicaid DSH pool in which the facility participates. For Federal Fiscal Year 1994, the indigent disproportionate share per diem amount will be each hospital's Medicaid per diem amount in effect as of March 1, 1994 and the Medicaid DSH pool per diem amount paid in accordance with the revised February 1994 pool amount. For subsequent federal fiscal years, the indigent disproportionate share per diem amount will be the Medicaid per diem amount in effect the previous July 1 and the Medicaid DSH pool per diem amount as established for the federal fiscal year.

2) The indigent care payments will be determined based on each DSH hospital's (which qualified for DSH per the latest filed March 31 fiscal year-end cost report) indigent care days provided within the state fiscal year. Qualifying disproportionate share hospitals shall submit documentation of indigent care days provided during a state fiscal year within 120 days of the end of the state fiscal year in a format specified by the state and shall maintain documentation for all indigent care determinations for the same period Medicaid records for qualification for disproportionate share adjustment are maintained.

3) The department's Indigent Care Plan Criteria for recognition of indigent days in the Indigent Pool for additional disproportionate share payments are delineated below:

a) The annual family income for patients qualifying for indigent care may not exceed 200 percent of the Federal Poverty Income Guidelines for the period of time in which the services were provided.

b) The facility must advise the public of the availability of indigent care services and of its policies for qualifying patients for indigent care. The facility must post a written copy of its policy conspicuously in all patient admissions and treatment areas and must provide individual written notices to patients and/or their family members upon admission.

c) The facility must provide a form for individuals to apply for indigent care services upon admission to the facility. These forms must be maintained on file and be available for audit in accordance with all state and federal rules and regulations. The application must be signed by the applicant except for patients deemed mentally unstable by the physician and for which access for interview has been restricted by physician's orders. The facility must supply auditors with facility's procedures for verification of available payment sources for such patients. Documentation must be in the files to prove that Medicaid eligibility resources have been exhausted (i.e. application denied) for recognition as an indigent care patient.

d) The facility must make a determination of the patient's eligibility for indigent care services within two working days after application, notify the patient promptly of the decision, and keep a copy on file for audit in accordance with state and federal rules and regulations. Income verification should be attempted via review of pay stubs, W-2 records, unemployment compensation book, or collateral contact with employer etc. If income verification has not been completed within two working days, the facility may condition the determination of eligibility on income verification. The facility may also condition the determination of indigent care eligibility on application for Medicaid eligibility. The conditional determination must be completed within two working days of the request for indigent care.

e) The facility must maintain a log of indigent care services provided each fiscal year for audit purposes in compliance with state and federal rules and regulations. Patient identifying information such as patient name, social security number, date of birth, dates of service, medical record number, patient account number, number of free care days, and amount of indigent care charges must be included on the log.

f) An indigent day may be included in the indigent care days count only to the extent that the entire day is deemed to be an indigent care day. If indigence is determined on a sliding scale which is based on total charges, any day for which the patient is liable for more than 50 percent of the charges may not be considered as an indigent care day. Inpatient days denied for Medicaid recipients who had exhausted their Medicaid inpatient days may be recognized as indigent days provided that documentation of the reasons for denial demonstrates that the recipient is over the limit of days. Medicaid days denied for other reasons resulting from failure to comply with Medicaid policies and procedures will not be recognized as indigent days. Prisoners receiving services in state hospitals are deemed indigent in accordance with state law. Inpatient days paid by Medicaid are not recognized as indigent days; Hill-Burton days that are utilized to meet an obligation under this program are not recognized as free care days. Medicare bad debt days are not allowable as indigent days. Days for accounts written off as bad debt are not allowable as indigent days.

g) For state-operated facilities an indigent care plan promulgated and implemented in accordance with state law and regulations shall be recognized in lieu of the above criteria

for determining indigent care days eligible for disproportionate share payments.

If audit of the data submitted for indigent care days results in the hospital not meeting the disproportionate share qualification provisions in the approved state plan or the number of indigent inpatient days are reduced from those originally reported, appropriate action shall be taken to recover such overpayments. No additional payments shall be made if an increase in indigent days is determined.

Hospitals/units which close or withdraw from the Medicaid Program shall become ineligible for further DSH indigent care payments.

Disproportionate share payments/pool amounts shall be allocated based on consideration of the volume of days in each pool and allowable indigent days or the average cost per day for hospitals in each pool. Disproportionate share payments cumulative for all DSH payments under the pools or any other DSH payment methodology shall not exceed the federal disproportionate share state payment cap for each federal fiscal year.

Disapproval of any one of these payment methodology(ies) by the Health Care Financing Administration does not invalidate the one remaining methodology.

Interested persons may submit written comments to Thomas D. Collins, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule. A public hearing will be held on Tuesday, June 28, 1994 at 9:30 a.m. in the auditorium of the Department of Transportation and Development, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested parties will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing. The deadline for the receipt of all comments on this proposed rule is 4:30 p.m. on the day following this public hearing. Copies of this rule and all other Medicaid rules and regulations are available at parish medicaid offices for review by interested parties.

Rose V. Forrest  
Secretary

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

##### RULE TITLE: Disproportionate Share Payment Methodologies

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no estimated cost or cost savings associated with the implementation of this proposed rule since the Medicaid Program will remain under the allowed federal cap for disproportionate share payments for inpatient hospital services.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no estimated federal revenue increases or decreases associated with the implementation of this proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There is no estimated cost to the private hospitals because the

reduction of disproportionate share payments are not derived from the hospitals' cost for providing inpatient services. There are statewide economic benefits associated with the use of this payment reduction for state match for the Medicaid program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Thomas D. Collins  
Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

**Narcotics and Controlled Substances (LAC 48:I.3903)**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing is proposing to amend the following rule concerning narcotics and controlled substances under the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to R.S. 40:961-1036 and 46:51. In 1992, the department adopted a rule governing the licensing and certification of parties authorized to engage in the manufacture, distribution, or dispensing of controlled dangerous substances. This proposed rule removes the provision for the issuance of a temporary license and mandates possession of a permanent license from the applicable governing board prior to issuance of a license by the department for the manufacture, distribution or dispensing of controlled dangerous drugs.

**Title 48**

**PUBLIC HEALTH - GENERAL**

**Part I. General Administration**

**Subpart 1. General**

**Chapter 39. Controlled Dangerous Substances**

**§3903. Licensing Procedure as follows:**

A. - B. ...

1. Temporary licenses/permits shall not be issued.

\* \* \*

G. Practitioners (dentists, optometrists, physicians, podiatrists, veterinarians) must possess a verifiable valid permanent license in good standing issued by the professional governing board of the state of Louisiana of competent jurisdiction in order to be issued and maintain a Louisiana controlled dangerous substances license.

1. Physicians who possess a verifiable valid permanent license in good standing issued by the Louisiana State Board of Medical Examiners may be issued a controlled dangerous substances license authorizing the prescribing of the following Schedule I Substances, unless restricted by the Board of Medical Examiners, for therapeutic use by patients clinically diagnosed as suffering from glaucoma, symptoms resulting from the administration of chemotherapy cancer treatment, and spastic quadriplegia:

- a. marijuana;
- b. tetrahydrocannabinols;
- c. a chemical derivative of tetrahydrocannabinols.

2. Practitioners who possess a restricted permanent license issued by the governing board of the state of Louisiana of competent jurisdiction may be issued a restricted Louisiana controlled dangerous substances license adhering to the restrictions of their board license.

A Louisiana controlled dangerous substances license shall not be issued to applicants who possess temporary and/or provisional licenses and/or permits.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:961-1036 and 46:51.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:962 (September 1992), repromulgated LR 18:1132 (October, 1992), amended LR 20:

Interested persons may submit written comments to the following address: Thomas D. Collins, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing will be held on this matter at 9:30 a.m., Tuesday, June 28, 1994, in the DOTD Auditorium, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested parties will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing. The deadline date for receipt of all comments is 4:30 p.m. on the day following the public hearing.

Rose V. Forrest  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Controlled Dangerous Substances**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The estimated cost to the state associated with the implementation of this proposed rule is \$500 for administrative expenses SFY 1995 but there are no estimated costs for SFY 1996 and for SFY 1997.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections on state and local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There are no estimated costs or economic benefits to affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment as all persons involved in the manufacture, distribution and dispensing of narcotics and controlled substances must obtain and maintain all required federal and state licenses.

Thomas D. Collins  
Director

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Health and Hospitals Office of the Secretary Medical Disclosure Panel

#### Informed Consent (LAC 48:I.2400-2428)

As authorized by R.S. 40:1299.40(E), as enacted by Act 1093 of 1990 and later amended by Act 962 of 1991 and Act 633 of 1993, the Department of Health and Hospitals, Office of the Secretary, in consultation with the Louisiana Medical Disclosure Panel, is proposing to amend rules by adding §§2400-2428, which requires which risks must be disclosed under the Doctrine of Informed Consent to patients undergoing medical treatments or procedures and the Consent Form to be signed by the patient and physician before undergoing such treatment or procedure. This amends rules adopted in the February 1994 issue of the *Louisiana Register*, pages 193-194, by adding §§2400-2428.

#### Title 48

#### PUBLIC HEALTH-GENERAL Part I. General Administration

#### Chapter 25. Informed Consent

#### §2400. Esophageal

#### Dilation/Esophagogastroduodenoscopy

- A. Infection;
- B. Bleeding which may require transfusion and/or surgery;
- C. Perforation of esophagus, stomach, intestinal wall which may require surgery;
- D. Respiratory arrest;
- E. Cardiac arrhythmias (irregular heartbeats).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Medical Disclosure Panel, LR 20:

#### §2404. Diagnostic and Therapeutic ERCP (Endoscopic Retrograde Cholangio Pancreatogram)

- A. Infection;
- B. Bleeding which may require transfusion;
- C. Perforation of esophagus, stomach, intestinal wall or ducts which may require surgery;
- D. Cardiac arrhythmias (irregular heartbeats);
- E. Pancreatic inflammation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Medical Disclosure Panel, LR 20:

#### §2406. Colonoscopy

- A. Infection;
- B. Bleeding which may require transfusion and/or surgery;
- C. Perforation of colon or rectal wall which may require surgery;
- D. Cardiac arrhythmias (irregular heartbeats).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Medical Disclosure Panel, LR 20:

#### §2408. Sigmoidoscopy/Proctoscopy

- A. Infection;
- B. Bleeding which may require transfusion and/or surgery;
- C. Perforation of colon or rectal wall which may require surgery.

- D. Cardiac arrhythmias (irregular heartbeats).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Medical Disclosure Panel, LR 20:

#### §2410. Esophageal Manometry

- A. Esophageal perforation which may require surgery;
- B. Aspiration pneumonia;
- C. Cardiac arrhythmias (irregular heartbeats).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Medical Disclosure Panel, LR 20:

#### §2412. Percutaneous Needle Biopsy of the Liver

- A. Bleeding requiring transfusion and/or surgery;
- B. Lung collapse which may require surgery;
- C. Internal leakage of bile which may require surgery;
- D. Puncture of other organs which may require surgery;
- E. Aspiration pneumonia.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Medical Disclosure Panel, LR 20:

#### §2414. 24-Hour PH Monitoring

- A. Aspiration pneumonia;
- B. Cardiac arrhythmias (irregular heartbeats).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Medical Disclosure Panel, LR 20:

#### §2416. Gastrectomy or Vagotomy and Pyloroplasty

- A. Infection in incision or inside abdomen;
- B. Bleeding which may require transfusion;
- C. Leakage from stomach (fistula);
- D. Inability to maintain weight;
- E. "Dumping syndrome" (chronic vomiting after eating);
- F. Inability to eat large amount of food, especially early after surgery;
- G. Diarrhea;
- H. Need for vitamin B-12 injections for life if total gastrectomy is needed;
- I. Recurrence of condition for which surgery was originally done.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Medical Disclosure Panel, LR 20:

#### §2418. Colon Resection

- A. Infection in the incision;



B. Intra-abdominal infection (abscess) requiring additional surgery and prolonged hospitalization;

C. Leakage from colon (fistula) requiring additional surgery and possible colostomy (colon empties into bag worn on the abdomen);

D. Injury to other organ or blood vessel requiring additional surgery or blood transfusion;

E. Diarrhea, sometimes permanent;

F. Hernia in incision requiring additional surgery for repair;

G. Recurrence of cancer (if surgery is done for cancer).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Medical Disclosure Panel, LR 20:

#### §2420. Appendectomy

A. Infection in the incision;

B. Bleeding from or into incision;

C. Intra-abdominal infection (abscess) requiring additional surgery and prolonged hospitalization;

D. Leakage from the colon (fistula) requiring additional surgery and/or colostomy (colon empties into bag worn on the abdomen);

E. Hernia in the incision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Medical Disclosure Panel, LR 20:

#### §2422. Hernia Repair

A. Infection in the incision, possibly requiring additional surgery to remove mesh if used for repair;

B. Bleeding into incision or scrotum resulting in marked swelling with pain, possibly requiring additional surgery;

C. Recurrence of hernia;

D. Injury to or loss of testicle(s) or spermatic cords(s), possibly causing sterility;

E. Nerve injury resulting in numbness or chronic pain in groin area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Medical Disclosure Panel, LR 20:

#### §2424. Hemorrhoidectomy or Excision of Anal Fistula or Fissure

A. Bleeding at operative site;

B. Post-operative pain, especially with bowel movements;

C. Temporary/permanent difficulty controlling bowel movements or passage of gas;

D. Permanent difficulty controlling bowel movements or passage of gas;

E. Recurrence of hemorrhoids or fistula or fissure;

F. Narrowing of anal opening requiring additional surgery or repeated anal dilatations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Medical Disclosure Panel, LR 20:

#### §2426. Excisional Breast Biopsy

A. Infection;

B. Blood clot (hematoma);

C. Failure to obtain accurate diagnosis;

D. Disfiguring scar;

E. Failure to locate and remove abnormality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Medical Disclosure Panel, LR 20:

#### §2428. Lumpectomy (partial excision of breast) with Axillary Dissection

A. Infection;

B. Blood clot (hematoma);

C. Disfiguring scar;

D. Fluid collection in axilla (arm pit);

E. Numbness to arm;

F. Swelling of arm on side of surgery;

G. Damage to nerves of arm or chest wall, resulting in pain, numbness, weakness;

H. Local recurrence of cancer;

I. Complication of irradiation;

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Medical Disclosure Panel, LR 20:

Interested persons may submit written comments by June 24, 1994, to Donald J. Palmisano, M.D., J.D., Chairman, Medical Disclosure Panel, Department of Health and Hospitals, Box 1349, Baton Rouge, LA 70821-1349. He is responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held at 2 p.m., Friday, June 24, 1994, in the First Floor Auditorium, Department of Transportation and Development Building, 1201 Capitol Access Road, Baton Rouge, LA 70802. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

Rose V. Forrest  
Secretary

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Informed Consent

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no implementation costs anticipated from the adoption of these rules.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no costs and/or economic benefits to directly affected persons or nongovernmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no effect projected on competition and employment from implementation of these rules.

Rose V. Forrest  
Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Labor  
Office of Labor**

**Minor Labor Law (LAC 40:VII.103)**

Under the authority of R.S. 23:1 and R.S. 23:153 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Department of Labor, Office of Labor, intends to amend LAC 40:VII.103 relative to the regulations of conditions under which minor labor may be used.

The purpose of this proposed rule is to establish additional guidelines permitting the secretary of labor to issue temporary waivers to the hour and time standard for minors under 16 years of age when employed in commercial motion pictures, films, or video productions.

**Title 40**

**LABOR AND EMPLOYMENT**

**Part VII. Conditions Under Which Minor Labor Maybe Used**

**Chapter 1. Minimum Age Standards for Nonagricultural Employment**

**§103. Employment Standards for Minors Under 16 Years of Age**

\* \* \*

**A. Hours and Time Standards**

**1. - 9.d. ...**

e. applications for waivers for any exception to the foregoing provisions of this Paragraph 9 may be made to the secretary of the Department of Labor.

f. the secretary of labor may grant a waiver only under the following circumstances:

i. written notification through a listing of specific dates and times that the minor(s) shall be employed and/or present for either studio production or location production.

ii. written acknowledgement that the minor's parent(s), tutor, or custodian have been fully informed of the circumstances and have granted advance consent.

**AUTHORITY NOTE:** Promulgated in accordance with R. S. 23:251.

**HISTORICAL NOTE:** Promulgated by the Department of Labor, Office of Labor, LR 7:45 (February 1981), amended LR 15:1086 (December 1989), repealed and repromulgated by the Department of Employment and Training, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Labor, LR 20:

A public hearing will be held on June 29, 1994 at 9:30 a.m. in the third floor conference room of the Louisiana Department of Labor Annex Building.

Interested persons are invited to submit written comments

on the proposed regulations. Such comments should be submitted no later than June 28, 1994 at 4 p.m. to Cecil Formby, Box 94094, Baton Rouge, LA.

These proposed regulations are available for inspection at the Office of the State Register, 1051 North Third Street, Baton Rouge, Louisiana, 70809 and the Louisiana Department of Labor, 1001 North 23rd Street, Third Floor Annex, Baton Rouge, LA 70804-9094.

Gayle F. Truly  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES  
RULE TITLE: Minor Labor Law**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There would be no implementation cost.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No revenue collection by any agency is authorized for the applicable program.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
No person or group will incur any cost. Economic benefit may be realized by the area where the filming will be conducted.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Movie extras and sub-contractors may be hired due to the production company filming in the area.

Gayle F. Truly  
Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Social Services  
Office of Community Services**

**Children's Trust Fund; Plan for Child Abuse and Neglect Prevention (LAC 67:V.401)**

The Department of Social Services, Office of Community Services, proposes to adopt a plan for preventing child abuse and neglect in Louisiana for 1994-1996.

**Title 67**

**SOCIAL SERVICES**

**Part V. Community Services**

**Subpart 1. General Administration**

**Chapter 4. Children's Trust Fund**

**§401. Plan for Preventing Child Abuse and Neglect in Louisiana**

A. In accordance with R.S. 46:2406, notice is hereby given that the Louisiana Children's Trust Fund Board plans to adopt a plan for preventing Child Abuse and Neglect in Louisiana for 1994-96, which establishes criteria for grant awards and

other activities of the Louisiana Children's Trust Fund. The plan will become effective subsequent to adoption by the Louisiana Children's Trust Fund Board and will form the basis for future activities of the Children's Trust Fund.

B. A copy of the plan is available for review by the public at the Louisiana Children's Trust Fund Office, 333 Laurel, Suite 735, Baton Rouge, Louisiana 70804. Interested persons may call the office at (504) 342-2245 to make arrangements to review the plan.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 46:2406.

**HISTORICAL NOTE:** Promulgated by the Department of Social Services, Office of Community Services, LR 20:

Persons interested in attending a public hearing on the above should submit written notification within 20 days of the date of publication of this notice to: Brenda L. Kelley, Assistant Secretary, Office of Community Services, Box 3318, Baton Rouge, Louisiana 70821.

Gloria Bryant-Banks  
Secretary

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

**RULE TITLE: Children's Trust Fund; Plan for Child Abuse and Neglect Prevention (LAC 67:V.401)**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The only costs to the state will be the printing and distribution of the plan once approved at approximately \$5,000.

It is anticipated that \$305,602 will be collected through statutory dedications in SFY 1993-94 along with \$184,246 available in Challenge Grant federal funds. It is estimated that the collections in statutory dedications will be the same in SFY 1994-95 as in SFY 1993-94 along with \$84,743 being available in Challenge Grant federal funds.

Forty-three contracts have been awarded in SFY 1993-94 and will be awarded in SFY 1994-95.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The plan approval will not have any effect on revenue collection of state and local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Upon approval of the Plan for Preventing Child Abuse and Neglect, all future grant awards and other activities of the Louisiana Children's Trust Fund will be based upon the plan. It will be necessary for all budget requests submitted by any nonprofit agency to the Legislature for funding programs related to child abuse prevention to conform to the plan.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this rule will not significantly impact competition and employment in the public and private sectors although the Children's Trust Fund contracts will be awarded based upon the plan as adopted.

Robert J. Hand  
Director  
Management and Finance

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

Department of Social Services  
Office of Community Services

Reimbursement Rates for Residential Facilities  
(LAC 67:V.3503)

The Department of Social Services, Office of Community Services, proposes to adopt the rule entitled "Reimbursement Rates for Residential Facilities." The current rate setting methodology has been changed.

### Title 67

### SOCIAL SERVICES

#### Part V. Office of Community Services

#### Subpart 5. Foster Care

#### Chapter 35. Payments, Reimbursables, and Expenditures

#### §3503. Reimbursement Rates for Residential Facilities

A. The rate setting methodology consists of four components of level of care: administration, basic care, supervision, and intervention. Costs associated with administration and basic care will reflect averages of allowable costs for facilities of three size groupings. Costs associated with supervision will reflect the costs for direct care workers and their immediate supervisors, when the supervisors are not included in the administration component. Costs associated with intervention will reflect the costs of professional social workers, psychologists and psychiatrists and related costs. The rate will be the sum of the four components appropriate to the care being delivered to the client.

B. Facilities receiving reimbursement under this rate methodology will be required to submit audited cost reports to the Office of Community Services on an annual basis. The audit must be conducted by a certified public accountant, must determine whether the cost report conforms to the requirements of HIM-15, and must contain the opinion of the certified public accountant that the costs shown in the cost report are accurate and allowable. Facilities which submit cost reports after the date specified by the Office of Community Services will lose a portion of the administrative component of their rates for the following rate year, according to a schedule developed by the Office of Community Services.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 15:1084.

**HISTORICAL NOTE:** Promulgated by the Department of Social Services, Office of Community Services, LR 14:542 (August 1988), amended LR 20:

A public hearing on the proposed rule will be held at 10 a.m. on June 24, 1994 in the Fourth Floor Magnolia Room, 2026 St. Charles Avenue, New Orleans, LA 70130. All interested persons will be afforded the opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Interested persons may submit written comments within 30 days to Brenda L. Kelley, Assistant Secretary, Office of Community Services, Box 3318, Baton Rouge, LA 70821.

Gloria Bryant-Banks  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**  
**RULE TITLE: Reimbursement Rates for Residential Facilities  
(LAC 67:V.3503)**

**Title 67  
SOCIAL SERVICES**  
**Part III. Office of Family Support  
Subpart 3. Food Stamps**

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**  
For state fiscal year 1994-95, the estimated cost is expected to be \$1,928,333; for state fiscal year 1995-96, the cost is estimated at \$2,323,293. There will be no increase in administrative costs
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**  
Reimbursement under Title IV-E of the Social Security Act is expected to increase by \$881,630 during fiscal year 1994-95. The increase in federal funding will rise to \$1,062,205 in fiscal year 1995-96. Existing state general funds will be utilized to match the additional federal funds.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**  
If fully implemented, these rules will increase the reimbursement to private residential child care facilities by \$1,928,333. This will provide a funding level which is better matched to the costs of operating such facilities, providing the facilities with the ability to provide better care to children who are wards of the state
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**  
No impact on competition or employment is expected from these regulations.

Robert J. Hand  
Director  
Management and Finance

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Social Services  
Office of Family Support**

**Food Stamp Recovery (LAC 67:III.2005)**

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 3, the Food Stamp Program.

Pursuant to compliance with the recent amendment of federal regulation 7 CFR 273.18 (d)(4)(i), it is necessary to change the period of time which is allowed for households to elect a repayment method for food stamps that were overissued because of inadvertent household error. The Office of Family Support will now provide the household 20 days, instead of 10, to choose a method of repayment before taking action to recover the benefits.

The section is also being revised, in its entirety and with no substantive changes, to conform with the intent of the Administrative Procedure Act, that is, some inappropriate or outdated language is being removed or reworded.

**Chapter 19. Certification of Eligible Households  
Subchapter P. Recovery of Overissued Food Stamp  
Benefits**

**§2005. Collection Methods and Penalties**

A. The Food Stamp Program maintains provisions relating to the disqualification penalties for intentional program violations. These provisions are aimed at deterring Food Stamp Program abuse and improving recovery of overpayments.

B. The basis for disqualification is expanded to include the intentional making of false or misleading statements, misrepresentations, or the concealment or withholding of facts, as well as, the commission of any act that constitutes a violation of any state food stamp statute. Mandatory disqualification periods of six months for the first offense, 12 months for the second, and permanently for the third offense will be imposed against any individual found to have committed an intentional program violation, regardless of whether the determination was arrived at administratively or through a court of law. The Office of Family Support, hereinafter referred to as the "agency," will not increase the benefits to the household of a disqualified person because of the disqualification.

C. The household of the disqualified individual, rather than the household member guilty of an intentional program violation, is held responsible for repaying the resultant overissuance and must agree to repayment in cash or to a reduction in its allotment. In cases not the result of program violation or agency error, the agency is required to collect overissuances from those persons still participating in the program by reducing further allotments if the household does not agree to a repayment schedule. The amount by which the agency can reduce the household's monthly allotment in the collection of overissuances not the result of intentional program violation or agency error is limited to 10 percent of the allotment or \$10 per month whichever will result in faster collection.

D. The agency may collect any type of overissuance by using means other than allotment reduction or cash repayment. Before the agency takes action to reduce a household's allotment in order to recover overissued benefits, the household may elect to repay the benefits.

1. The household responsible for overissuance due to an intentional program violation is allowed 10 days to choose between cash repayment or a reduced allotment.

2. The household responsible for overissuance due to an inadvertent error by the household is allowed 20 days to choose between cash repayment or a reduced allotment.

**AUTHORITY NOTE:** Promulgated in accordance with F.R. 48:6837 et seq., P.L. 97-35, 97-253, 101-624 §1746, and 102-237 §911, 7 CFR 272, 273, 276 and 277.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 9:323 (May 1983), amended by the Department of Social Services, Office of Family Support, LR 18:1133 (October 1992), LR 20:

Interested persons may submit written comments within 30

days to the following address: Howard L. Prejean, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA 70804-4065. He is responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on June 28, 1994 in the Second Floor Auditorium, 755 Third Street, Baton Rouge, LA beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Gloria Bryant-Banks  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Food Stamp Recovery**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The substantive change concerns only expanding a time frame for action on certain food stamp cases. The estimated cost to state government of \$170 is for publishing the policy change and printing related manual material. The rule results in no savings. The rule will have no impact on any local governmental units.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule will have no effect on revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

There are no costs or economic benefits to any persons or nongovernmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposal will have no impact on competition and employment.

Howard L. Prejean  
Assistant Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Social Services  
Office of the Secretary**

**Title IV-A At-Risk Child Care Program (LAC 67:I.101)**

The Department of Social Services, Office of the Secretary proposes to adopt the following rule in the Child Care Assistance Program effective September 1, 1994.

This rule is being adopted to implement the Title IV-A At-Risk Child Care program, which adds an additional funding source for assisting low-income working families with the costs of child care.

**Title 67**

**SOCIAL SERVICES**

**Part I. Office of the Secretary**

**Chapter 1. Child Care Assistance Program**

**§101. Eligibility Requirements**

**A. General Requirements: Child Care and Development Block Grant and Title IV-A At-Risk Child Care**

1. Household income does not exceed 75 percent of the state median income for a household of the same size.

a. Income is defined as gross earnings from all sources of employment. Earnings must be verified, using a minimum of four check stubs from the most recent four pay periods, or the program's standard verification form from the employer.

b. Medical expenses are deducted from the household's total earned income to determine income eligibility if they are:

- i. verified by the applicant,
- ii. regular and incurred at least once each month,
- iii. nonreimbursable by insurance or other sources,
- iv. not covered by Medicaid, and
- v. \$35 or more each month

Verification can consist of receipts from a drugstore or a doctor's office, etc., but must be sufficient to satisfy the criteria listed above. Deductions shown on check stubs for hospitalization or dental insurance are deducted as medical expenses.

c. A household is defined as a group of persons who share income and living expenses, with one or more adults acting as parents to the dependent children. The household must reside in Louisiana to be eligible for Child Care Assistance. Homelessness does not preclude being considered a "household."

2. The family includes a child in need of child care services who is under age 13, or age 13 to age 18 and physically or mentally incapable of caring for himself or herself, as verified by a physician or certified psychologist, or under court supervision. If the child is not already placed with a child care provider, care must be scheduled to begin no later than 12 weeks following the date of application.

3. The child customarily resides full-time with a parent(s) or guardian(s) who is applying for child care services.

4. The child for whom application is being made is not eligible for or receiving child care benefits through the Aid to Families with Dependent Children (AFDC) program (including AFDC Child Care Assistance, Project Independence child care, Transitional Child Care, etc.). A parent or guardian can apply for Child Care Assistance 12 weeks prior to the termination of the child's eligibility for Transitional Child Care (TCC); if otherwise eligible, the applicant's name is placed on the waiting list until TCC eligibility is exhausted.

5. The family requests child care services, provides the information necessary for determining eligibility and fees, and meets appropriate application requirements established by the state.

6. Eligible cases are assigned a certification period of up to six months, beginning with the first month in which the eligibility determination is made. The parent or guardian of a child is required to report any changes that could affect eligibility or benefit amount within 10 days of knowledge of the change. Specifically, parents or guardians must report:

- a. address changes;
- b. household composition changes;
- c. employment or earned income changes;
- d. changes in attendance at training or educational programs;
- e. changes in regular medical expenses;
- f. changes in child care providers;

g. receipt of Aid to Families with Dependent Children (AFDC);

h. absences from child care of five or more consecutive working days; and

i. changes in the number of days or hours that a child is attending.

Failure to report a change that affects eligibility or benefit amount can result in action to recover ineligible benefits.

**B. Child Care and Development Block Grant**

1. One of the following two conditions is met:

a. the parent(s) or guardian(s), regardless of age, as well as all household members 18 years of age and older, is:

i. employed at least 20 hours per week (parent(s) or guardian(s) must also be earning gross wages equivalent to the federal minimum wage multiplied times 20 hours per week), or

ii. attending a job training or educational program that is legally authorized by the state for at least 20 hours per week (attendance at a job training or educational program must be verified, including the date of completion), or

iii. some combination of employment and training or education as defined in §101.A.4.b. that equals at least 20 hours per week, or

b. the child is in need of or receiving protective services, in which case the parent(s) or guardian(s) and all adult members of the household are not required to be employed or attending a job training or educational program. Protective services status must be verified by the Office of Community Services.

C. Title IV-A At-Risk Child Care. The parent(s) or guardian(s), regardless of age, as well as all household members 18 years of age and older, is employed at least 20 hours per week (parent(s) or guardian(s) must also be earning gross wages equivalent to the federal minimum wage multiplied times 20 hours per week).

**AUTHORITY NOTE:** Promulgated in accordance with 45 CFR Parts 98 and 99, and Parts 255 and 257.

**HISTORICAL NOTE:** Promulgated by the Department of Social Services, Office of the Secretary, LR 18:288 (March 1992), amended LR 18:1133 (October 1992), LR 18:1415 (December 1992), LR 19:1440 (November 1993), LR 20:459 (April 1994), LR 20:

**§103. Waiting Lists**

A. A limited amount of federal funding is available each year through the Child Care and Development Block Grant and the Title IV-A At-Risk Child Care Program. As each child is determined eligible and authorized for services, anticipated agency expenditures on his behalf for 12 months are deducted from the total allocation for that year, to assure that expenditures can be made. Each regional office is responsible for tracking obligations of the funds allocated to that region.

B. When all the funds for the current year have been obligated, no payments can be made for any additional children determined eligible. Instead, a waiting list is maintained for each parish. Eligible children are assigned a priority code for removal from the waiting list according to the following criteria:

1. children in need of protective services (Child Care and Development Block Grant only);

2. special needs children;

3. children whose eligibility for Transitional Child Care has terminated;

4. all other children.

Within each priority group identified above, the waiting lists are maintained in chronological order by date of application

**AUTHORITY NOTE:** Promulgated in accordance with 45 CFR Parts 98 and 99, and Parts 255 and 257.

**HISTORICAL NOTE:** Promulgated by the Department of Social Services, Office of the Secretary, LR 18:288 (March 1992), amended LR 18:1269 (November 1992), LR 19:1441 (November 1993), LR 20:460 (March 1994), LR 20:

Interested persons may submit written comments by June 22, 1994 to the following address: Linda Beauvais, Assistant Director, Child Care Assistance Program, Department of Social Services, Box 91193, Baton Rouge, LA 70821. Ms. Beauvais is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on June 22, 1994 in the Second Floor Auditorium, 755 Third St., Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

Gloria Bryant-Banks  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Title IV-A At-Risk Child Care Program**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

This rule is estimated to result in an increase in expenditures for child care services and the agency expenditures necessary to administer them, as follows:

FY	Total	Federal	State
94/95	\$7,510,528	\$5,519,487	\$1,991,041
95/96	\$7,358,451	\$5,407,726	\$1,950,725
96/97	\$7,358,451	\$5,407,726	\$1,950,725

These figures represent 100 percent of available federal funding. Currently, the executive budget contains \$1 million in state matching funds for this program. At that match rate, implementation costs would be \$2,772,161 in state funds and \$3,772,161 in total funds.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Federal funding by the U.S. Department of Health and Human Services is available as follows:

\$5,519,487 in FY 94/95
\$5,407,726 in FY 95/96
\$5,407,726 in FY 96/97

If matching state funds are made available at the level currently contained in the executive budget, only \$2,772,161 in federal funds would be used in each of these fiscal years.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Low income families in need of assistance in paying for child care in order to work or attend training or educational programs will be assisted by this program. The agency will make direct

payment to child care providers on a sliding scale based on gross family income minus regular medical expenses if such expenses exceed \$35 per month. The agency will pay from 30 percent to 95 percent of the child care provider's actual charges or the maximum state rate, whichever is less. Currently, there are 3,300 children on waiting lists statewide; all of these children could be served if 100 percent of available federal funding is accessed. If the funding rate contained in the executive budget is used, approximately 1,800 children from the waiting lists can be served.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is expected that the proposed action will increase the supply of child care services available statewide, since parents will be able to afford quality care for their children. The stated intent of federal law and regulation is to allow maximum parental choice in selecting child care arrangements, so it is expected that competition in the industry will increase. As more entities enter the market, and existing facilities expand to meet demand, it is expected that employment in the child care industry will increase. It is not possible at this time to estimate the extent of the increase, because it is not known what child care arrangements parents will select.

Robert M. Casse, Jr.  
Deputy Secretary

David W. Hood  
Senior Fiscal Analyst

### NOTICE OF INTENT

#### Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors

##### Engineering—Industrial Operations (LAC 46:LXI.105)

In accordance with the R.S. 49:950 et seq., notice is hereby given that the Board of Registration for Professional Engineers and Land Surveyors intends to revise LAC 46:LXI.105 as follows:

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LXI. Professional Engineers and Land Surveyors

#### Subpart 1. Rules

#### Chapter 1. General Provisions

#### §105. Definitions

\* \* \*

J. *Under the Supervision and Charge of a Professional Engineer*—as it applies in Louisiana Revised Statute 37:701(C) only, shall mean:

1. the work performed by a professional engineer, duly registered under the provisions of this Chapter; or

2. the work reviewed and approved by a professional engineer, duly registered under the provisions of this Chapter, who is authorized to direct changes to the engineering work; or

3. the work performed in accordance with a system of engineering practices approved by a professional engineer, duly registered under the provisions of this Chapter.

K. *Employees*—for purposes of Louisiana Revised Statute 37:701(C) only, shall mean:

1. any and all persons to or for whom a person, firm or corporation engaged in industrial operations pays salary or other compensation, withholds taxes, provides benefits or pays workers' compensation and/or liability insurance, including without limitation all persons covered by the definition of *Bona fide employee* as set forth in the rules of the board; or

2. any and all persons whose conduct a person, firm or corporation engaged in industrial operations has the right to control, including the right to hire, fire or directly supervise, the right to set the person's work schedule and job duties, or the right to set the terms and conditions of employment, including without limitation individuals supplied through an employment agency or consultant firm;

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688, 37:689, and 37:701.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Surveyors, LR 4: 298 (August 1978), amended LR 5:110 (May 1979). LR 7:643 (December 1981). LR 14:449 (July 1988), LR 16:772 (September 1990), LR 17:804 (August 1991), LR 20:

These proposed rules are scheduled to become effective, August 20, 1994 or upon publication in the *Louisiana Register*.

A public hearing will be held on July 1, 1994, from 1:30 p.m.- 3:30 p.m., at the board office, 1055 St. Charles Avenue, Suite 415, New Orleans, LA 70130. Interested persons are invited to attend and submit oral comments on the proposed rules.

The public is also invited to submit written comments or offer amendments to the proposed rules to the board office at the above address, at any time prior to July 15, 1994. The board proposes to consider and take action on the adoption of this rule at a meeting in its office at 11 a.m. on July 26, 1994.

Paul L. Landry, P.E.  
Executive Secretary

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Engineering—Industrial Operations

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated implementation of costs or savings to the state or local governmental units in implementing this proposed rule.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no costs and/or economic benefit to directly affected persons or nongovernmental groups.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment. The

practice of engineering in an industrial operation has been confusing for a number of years. This rule will clarify this matter and give guidance to engineers in industry as to how the work is to be performed as it relates to engineering.

Paul L. Landry  
Executive Secretary

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Transportation and Development Office of Highways

#### Utility Operator Fee Schedule (LAC 70:III.1501)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Transportation and Development intends to amend the rule entitled "Utility Operator Fee Schedule", LAC 70:III.1503, in accordance with R.S. 48:381(E).

#### Title 70

### TRANSPORTATION AND DEVELOPMENT

#### Part III. Highways

#### Chapter 15. Utility Operator Permit Fees

#### §1503. Procedure

A. 1. - 6. ...

7. Each operator shall pay the invoice in full by January 31 of the following year.

8. - 9. ...

10. Issuance of permits to operators failing to submit full payment by February 1 of each year shall be suspended. The operator shall be notified of this deficiency, and shall have 60 days from the date of this notification to submit payment in full. Facilities owned by operators who fail to submit full payment within the 60-day notification period shall be removed from highway right-of-way.

11. ...

12. Upon receipt of all monies, the Department of Transportation and Development shall deposit same in the Right-of-Way Permit Processing Fund. All monies existing in this fund at the end of each fiscal year shall be retained in the Right-of-Way Permit Processing Fund and shall not be deposited in the General Fund.

**AUTHORITY NOTE:** Promulgated in accordance with R. S. 48:381(E).

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, LR 20:318 (March 20, 1994), amended LR 20:

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this Notice of Intent to: John Collins, Utility and Permit Engineer Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245, telephone (504) 379-1509.

Jude W. P. Patin  
Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Utility Operator Permit Fees

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no implementation costs or savings in connection with the promulgation of this rule amendment.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no impact on revenue collections of state or local governmental units if this rule amendment is adopted.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no costs or economic benefits to directly affected persons or nongovernmental groups if this rule amendment is adopted. These are technical changes to a rule adopted on March 20, 1994.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no effect on competition and employment if this rule amendment is implemented.

Jude W.P. Patin  
Secretary

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### Tilapia Aquaculture (LAC 76:VII.903)

The Department of Wildlife and Fisheries does hereby give notice of its intent to amend a rule governing the regulations on the importation, exportation, transport, culture, possession, disposal, transfer and sale of tilapia and/or their hybrids in Louisiana.

#### Title 76

### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

#### Chapter 9. Aquaculture - Exotic Species

#### §903. Tilapia

A. Rules and Regulations on Importation, Culture, Possession and Disposal of Tilapia in Louisiana. The following terms shall have the following meaning in this Section.

\* \* \*

*Culture System*—shall be an approved indoor system designed such that all water containing, or that at any time might contain, tilapia (adult fish, juvenile fish, fry, or fish eggs) is filtered, screened and/or sterilized in such manner as the department deems adequate to prevent any possibility of escape from the system.

\* \* \*

*Tilapia Permit*—official document that identifies the terms of, and allows for the importation, exportation, transport, culture, possession, disposal, transfer and sale of tilapia in Louisiana as approved by the secretary or his designee.

\* \* \*



**B. Tilapia Permit Request Procedures**

1. Individuals or organizations wishing to import, export, transport, culture, possess, dispose, transfer or sell live tilapia in Louisiana must first request a permit from the secretary or his designee of the Louisiana Department of Wildlife and Fisheries. The following procedures will be necessary.

a. Applications for permits can be obtained by contacting the permits supervisor, Inland Fisheries Division, Louisiana Department of Wildlife and Fisheries, P.O. Box 98000; Baton Rouge, LA 70898-9000.

b. The completed applications should be returned to the same address whereby Inland Fisheries Division personnel will review the application. Department personnel or a department approved contractor, at the applicant's expense, will then make an on-site inspection of the property and culture system.

c. After the on-site inspection has been completed, department personnel will make a final determination as to whether the applicant is in full compliance with all rules for a tilapia permit. Department personnel will then recommend to the permits supervisor if the applicant's request should be approved or disapproved.

d. The secretary or his designee will notify the applicant, in writing, as to whether or not the permit has been granted and if not, why. In the event of disapproval, applicants may reapply after correcting specified deficiencies noted in the secretary's or his designee's letter of denial.

\*\*\*

**D. Rules for Security of Tilapia Culture Facility**

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4. It shall be the responsibility of the permittee to immediately notify the secretary or his designee of any tilapia that leave the facility for any reason, including but not limited to accidental releases, theft, etc.

\*\*\*

**F. Rules for the Tilapia Culture System**

\*\*\*

2. The tilapia culture system shall be an approved indoor system designed such that tilapia eggs, larvae, juveniles or adults cannot escape.

3. All water utilized in the culture of tilapia shall be accounted for and shall be filtered, screened, and/or sterilized prior to leaving the culture system and the permittee's property in such a manner as the department deems adequate to prevent any possibility of escape from the system.

\*\*\*

**H. General Rules for Tilapia**

\*\*\*

9. The permittee shall be required to submit an annual report to the secretary or his designee on a form provided by the department.

\*\*\*

11. The department shall be overseer of all escape incidents and may implement or require to be implemented whatever measures deemed necessary to contain, kill or recapture fish. The permittee shall agree to reimburse Wildlife and Fisheries for all department costs including, but not limited to, man hours and materials utilized during these corrective actions. In order to assure the secretary that the permittee will fulfill their financial obligation, the permittee

shall, at the option of the department, post a \$25,000 performance bond, or present a letter of credit from a financial institution stating that the \$25,000 is available to the department on a certificate of deposit.

12. If a permittee terminates tilapia production, the permittee shall notify the secretary or his designee immediately and dispose of the tilapia according to methods approved by the department.

\*\*\*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:318 and 56:319.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Office of Fisheries, LR 17:804 (August 1991), amended LR 20: .

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., Tuesday, July 5, 1994 to: Bennie J. Fontenot, Jr., Administrator, Inland Fisheries Division, Box 98000, Baton Rouge, LA 70898-9000.

Joe L. Herring  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Tilapia Aquaculture**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will not be any implementation costs. Permits will be printed in-house, and existing personnel will conduct the inspections.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The cost of each permit will be \$50 plus the cost of the inspection. At this time, the department cannot estimate the number of new permits that might be issued, and therefore, cannot determine possible revenue.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Tilapia culture is presently allowed in Louisiana under permit from the secretary. The proposed action will allow increased culture of tilapia in the state, thus having a beneficial effect to all involved.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

An expanded tilapia aquaculture industry will have a direct and positive effect on employment in this state.

Fredrick J. Prejean, Sr.  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

# POTPOURRI

## POTPOURRI

**Department of Agriculture and Forestry  
Office of Agricultural and Environmental Sciences  
Horticulture Commission**

### Retail Floristry Examinations

The next retail floristry examinations will be given July 25 thru 29, 1994 at 9:30 a.m. at the 4-H Mini Farm Building, LSU Campus, Baton Rouge, LA. The deadline for sending application and fee is June 23, 1994 at 4:30 p.m. No applications will be accepted after June 23, 1994.

Further information pertaining to the examinations may be obtained from Craig M. Roussel, Director, Horticulture Commission, Box 3118, Baton Rouge, LA 70821-3118, phone (504) 925-7772.

Bob Odom  
Commissioner

## POTPOURRI

**Department of Environmental Quality  
Office of Air Quality and Radiation Protection  
Radiation Protection Division**

### Annual Toxics Emission Report

The Department of Environmental Quality, Office of Air Quality and Radiation Protection has published the Annual Toxics Emissions Report. This report compares the 1992 toxic air pollutant emissions to the 1987 toxic air pollutant emissions baseline. The report was prepared in accordance with the requirements of R.S. 30:2060.G. Interested persons may obtain copies of the report after June 1, 1994 by contacting Bliss Higgins of the Office of Air Quality and Radiation Protection at (504)765-0902.

James H. Brent, Ph.D.  
Administrator

## POTPOURRI

**Department of Environmental Quality  
Office of the Secretary**

Environmental Justice  
Hearing

Under the authority of the Louisiana Environmental Quality

Act, particularly R.S. 30:2011 D(5), the Department of Environmental Quality will conduct a public fact-finding hearing. The purpose of this hearing is to explore issues concerning environmental justice/equity in the administration of department programs.

The public hearing will be held on Saturday, June 25, 1994, at 10 a.m., in Louisiana Tech's Wyly Auditorium. Interested persons are invited to attend and submit oral comments. Individuals with a disability requiring special accommodations in order to participate should contact Frederick J. Barrow at the address given below or at (504)765-0741.

Interested persons are also invited to submit written comments. Such comments should be submitted to Frank Alexis, Office of the Secretary, Box 82263, Baton Rouge, LA 70884-2263 or to 7290 Bluebonnet Boulevard, Sixth Floor, Baton Rouge, LA 70810 or to FAX (504)765-0746. Comments will be accepted by this office until August 25, 1994.

William A. Kucharski  
Secretary

## POTPOURRI

**Department of Environmental Quality  
Office of Water Resources**

### Municipal Facilities Project Priority List

The Department of Environmental Quality, Office of Water Resources, Municipal Facilities Division, will conduct a public hearing to present, for public review and comment, the proposed FY 1995 Municipal Facilities Project Priority List and the proposed FY 1994 Municipal Facilities Revolving Loan Fund Intended Use Plan. The Priority List is a ranking of communities that are eligible to request financial assistance through the Municipal Facilities Revolving Loan Fund. The Intended Use Plan identifies the intended uses of funds available to the Revolving Loan Fund and the criteria and method for their distribution. The Priority List is prepared in accordance with the provisions in 40 CFR 35.2015-2025 and Section 216 of the Federal Clean Water Act. The Intended Use Plan is prepared in accordance with the provisions in 40 CFR 35.3150 and Section 606(c) of Title VI of the Federal Water Quality Act of 1987.

The public hearing will be held on June 30, 1994, at 10 a.m. in the Sixth Floor Hearing Room of the Department of Environmental Quality, 7290 Bluebonnet Boulevard, Baton Rouge, LA. Interested persons may submit written comments to William B. DeVillie, Administrator, Municipal Facilities Division, Box 82215, Baton Rouge, LA 70884-2215. Written comments will be received until July 8, 1994.

Copies of the proposed FY 1995 Municipal Facilities Priority List and the proposed FY 1994 Intended Use Plan will be available for public review at least 30 days prior to the public hearing at the Department of Environmental Quality, Municipal Facilities Division, 7290 Bluebonnet Boulevard, Maynard Ketchum Building, Room 103, Baton Rouge, LA and

in the following Department of Environmental Quality regional offices throughout the state:

- |   |  |
|---|--|
| Acadiana Regional Office<br>100 Asma Boulevard,<br>Suite 151<br>Lafayette, LA               | Northeast Regional Office<br>804 North 31st Street,<br>Suite D<br>Monroe, LA       |
| Bayou Lafourche<br>Regional Office<br>104 Lococo Drive<br>Raceland, LA                      | Northwest Regional<br>Office<br>1525 Fairfield, Room 11<br>Shreveport, LA          |
| Capitol Regional Office<br>11720 Airline Highway<br>Baton Rouge, LA                         | Southeast Regional Office<br>3945 N. I-10 Service Rd. W.<br>Metairie, LA           |
| Kisatchie Central<br>Regional Office<br>402 Rainbow Drive,<br>Building 402<br>Pineville, LA | Southwest Regional Office<br>3519 Patrick Street,<br>Room 265A<br>Lake Charles, LA |

James H. Brent, Ph.D.  
Administrator

**POTPOURRI**

**Department of Health and Hospitals  
Board of Medical Examiners**

**Clinical Laboratory Science—Public Hearing**

Notice is hereby given, in accordance with R.S. 49:953(A)(2), that the Board of Medical Examiners, will conduct a public hearing to receive oral comments on its proposed rules governing the licensure and certification of clinical laboratory personnel to practice clinical laboratory science in the state of Louisiana, at 4 p.m., Thursday, May 26, 1994, in the Denechaud Room, LePavillon Hotel, 833 Poydras Street, New Orleans, LA. At such hearing all interested persons may appear and present data, views, arguments, information or comments on the proposed rules, which were previously published in the *Louisiana Register*, April 20, 1994, page 482, as a notice of intent. Written comments on the proposed rules may be submitted to the board through June 15, 1994, by directing the same to the board at Suite 100, 830 Union Street, New Orleans, LA 70112-1499.

Delmar Rorison  
Executive Director

**POTPOURRI**

**Department of Health and Hospitals  
Office of Public Health  
Maternal and Child Health Services**

**MCH Block Grant—Public Hearing**

The Department of Health and Hospitals, Office of Public Health, Maternal and Child Health Services is providing notice that there will be a public hearing regarding the proposed 1994-95 Maternal and Child Health Block Grant. The public hearing will be held at 1 p.m., June 6, 1994 in the DHH third floor education and training room, 1201 Capitol Access Road, Baton Rouge LA.

At the public hearing all interested persons will have the opportunity to provide recommendations orally or in writing on the proposed Block Grant. Written comments will be accepted through June 21, 1994. Comments may be addressed to Eric Baumgartner, M.D., Assistant Secretary, Office of Public Health, Box 60630, New Orleans, LA. The application is available for review at any regional OPH facility.

Rose Forrest  
Secretary

**POTPOURRI**

**State Senate  
Office of Fiscal Affairs and Policy Development  
Revenue Estimating Conference**

**Revenue Estimate FY 1993-94**

On April 6, 1994, the Revenue Estimating Conference met pursuant to the requirements of R.S. 39:26(A). After review and discussion of both state and national economic conditions, it adopted a revised official revenue estimate for FY 1993-94, and FY 1994-95. The estimates are as follows:

	<b>FY 93-94</b>	<b>FY 94-95</b>
	<b>(in millions)</b>	<b>(in millions)</b>
Total Tax, License, and Fee Receipts	\$5,572.3	\$5,164.7
Available for General Purpose Expenditures	\$4,579.9	\$4,164.7

The economic and energy assumptions underlying these estimates, the individual estimates of tax, license and fee sources, and revenue dedications are reflected on the following tables.

**State of Louisiana**  
**Official Revenue Forecast**  
**for Fiscal Years 1993-94 and 1994-95**  
**(in millions)**

Revenue Source	Official Forecast FY 93-94 4/6/94	Official Forecast FY 94-95 4/6/94
Alcoholic Beverage	\$ 15.5	\$ 15.4
Beer	\$ 33.0	\$ 33.0
Corporate Franchise	\$ 269.0	\$ 266.0
Corporate Income	\$ 255.0	\$ 245.0
Gasoline	\$ 389.0	\$ 394.0
Gift	\$ 3.0	\$ 3.0
Hazardous Waste	\$ 6.2	\$ 6.2
Individual Income	\$ 990.0	\$ 1,041.0
Inheritance	\$ 42.0	\$ 42.0
Insp. Fee—Gasoline	\$ 0.8	\$ 0.8
Natural Gas Franchise	\$ 7.0	\$ 7.0
Public Utilities	\$ 5.0	\$ 5.0
Auto Rental Excise	\$ 3.1	\$ 3.2
Sales Tax—General	\$ 1,687.0	\$ 1,326.0
Severance	\$ 355.0	\$ 368.0
Soft Drink	\$ 12.5	\$ 2.0
Special Fuels	\$ 80.0	\$ 83.0
Supervision/ Inspection Fee	\$ 3.5	\$ 3.5
Tobacco	\$ 82.0	\$ 79.0
Unknown Owners	\$ 7.0	\$ 9.0
Miscellaneous Receipts	\$ 0.0	\$ 0.0
<b>Total—Dept. of Revenue</b>	<b>\$ 4,245.6</b>	<b>\$ 3,932.1</b>

Royalties	\$ 348.0	\$ 246.0
Rentals	\$ 3.0	\$ 4.0
Bonuses	\$ 11.0	\$ 9.0
Mineral Interest	\$ 6.0	\$ 5.0
<b>Total—Natural Res.</b>	<b>\$ 368.0</b>	<b>\$ 264.0</b>

Interest Earnings	\$ 29.0	\$ 32.0
Var. Agy. Receipts	\$ 14.0	\$ 14.0
Agency SGR Over- Collections	\$ 7.8	\$ 7.6
Bond Reimbursements	\$ 44.2	\$ 41.4
Quality Ed. Support Fund	\$ 54.5	\$ 54.5
Lottery Proceeds	\$ 150.3	\$ 122.5
DHH Provider Fees	\$ 72.6	\$ 69.9
<b>Total—Treasury</b>	<b>\$ 372.4</b>	<b>\$ 341.9</b>

Excise License	\$ 157.0	\$ 158.0
Ins. Rating Fees (SGF)	\$ 24.7	\$ 25.5
<b>Total—Insurance</b>	<b>\$ 181.7</b>	<b>\$ 183.5</b>

Alcoholic Bev. Permits	\$ 1.0	\$ 1.0
Miscellaneous	\$ 10.0	\$ 10.0
Titles	\$ 17.6	\$ 17.5
Vehicle Licenses	\$ 67.0	\$ 68.0
Vehicle Sales Tax	\$ 179.0	\$ 184.0
Riverboat Gaming	\$ 30.0	\$ 62.7
Video Draw Poker	\$ 100.0	\$ 100.0
<b>Total Public Safety</b>	<b>\$ 404.6</b>	<b>\$ 443.2</b>

<b>Total Taxes, Lic., Fees</b>	<b>\$ 5,572.3</b>	<b>\$ 5,164.7</b>
<b>Less: Dedications</b>	<b>\$ 1,243.8</b>	<b>\$ 1,122.5</b>
<b>Available for Exp.</b>	<b>\$ 4,328.5</b>	<b>\$ 4,042.2</b>
<b>Add: General Purpose Revenues</b>		
Lottery Proceeds	\$ 150.3	\$ 122.5
FY 93 Unreserved Surplus	\$ 101.1	\$ 0.0
<b>Available for General Purpose Expenditures</b>	<b>\$ 4,579.9</b>	<b>\$ 4,164.7</b>

**DEDICATIONS (in millions)**

<b>Dedication</b>	<b>SBO FCST FY 93-94 4/6/94</b>	<b>Rev Est Conf FY 94-95 4/6/94</b>
Gasoline—Port of New Orleans	\$ 0.5	\$ 0.5
Gasoline—Lake Charles Harbor	\$ 1.0	\$ 1.0
Transportation Trust Fund	\$ 373.7	\$ 380.1
Motor Vehicles License—Transportation Trust Fund	\$ 23.4	\$ 24.0
Aviation Tax—Transportation Trust	\$ 5.0	\$ 5.0
Motor Fuels—TIME Account	\$ 93.8	\$ 95.4
Motor Veh. Lic—Highway Fund #2	\$ 8.0	\$ 7.8
Severance Tax—Parishes	\$ 24.0	\$ 24.5
Royalties—Parishes	\$ 34.8	\$ 24.6
Royalties—Atty. General	\$ 5.0	\$ 5.0
Wetlands Fund	\$ 20.6	\$ 5.0
Quality Education Support Fund	\$ 54.5	\$ 54.5
Sales Tax Econ. Development	\$ 2.0	\$ 6.4
Excise Lic.—2% Fire Insurance	\$ 6.8	\$ 6.8
Excise Lic.—Fire Marshal Fund	\$ 4.9	\$ 4.9
Excise Lic.—LSU Firemen Training	\$ 1.0	\$ 1.0
Mineral Revenue Stabilization Trust Fund	\$ 0.0	\$ 0.0
Mineral Settlement Fund	\$ 116.8	\$ 44.2
Texaco Settlement/Wildlife and Fisheries	\$ 2.6	\$ 0.9
Louisiana Recovery District	\$ 153.5	\$ 144.9
Tourist Promotion District	\$ 12.0	\$ 11.3
Environmental Trust Fund	\$ 1.6	\$ 1.6

Insurance Fees	\$ 8.7	\$ 9.3
Bond Reimbursements Paid by Others	\$ 31.5	\$ 28.7
Video Draw Poker	\$ 29.0	\$ 30.0
Lottery Proceeds Fund	\$ 150.3	\$ 122.5
Riverboat Gaming	\$ 6.2	\$ 12.7
DHH Provider Fees	\$ 72.6	\$ 69.9
<b>Total Dedications</b>	<b>\$ 1,243.8</b>	<b>\$ 1,122.5</b>

**Forecast  
Economic  
Assumptions**

1993

1994

1995

<b>United States</b>			
Real GDP (in billion 1987 \$)	\$5,061.7	\$5,200.8	\$5,360.5
Percent Growth	3.1%	2.7%	3.1%
Personal Income (in billion \$)	\$5,274.0	\$5,546.3	\$5,921.7
Percent Nominal Growth	6.0%	5.2%	6.8%
Percent Real Growth	3.0%	2.6%	3.5%
Three Month Treasury Bill Rate	3.0%	3.2%	3.6%
<b>Louisiana</b>			
Real Personal income (in million 1987 \$)	\$55,389.0	\$56,383.0	\$57,796.0
Percent Growth from Last Year	2.2%	1.8%	2.5%
Nominal Personal Income (million \$)	\$69,597.0	\$72,641.0	\$79,906.0
Percent Growth from Year Ago	5.3%	4.4%	5.9%
Nonagricultural Employment (thousands)	1,625	1,638	1,668
<b>Mineral Related Assumptions</b>			
Oil Production (million bbls.)	140.3	134.2	128.7
Oil Price (\$/bbl.)	\$18.87	\$14.50	\$15.00
Natural Gas Production (trillion cubic feet)	1,643.1	1,600.1	1,545.7
Natural Gas Price (\$/mcf)	\$1.86	\$2.05	\$2.10

Further information regarding the details of the adopted forecasts may be obtained from the Senate Fiscal Office at (504) 342-8898, or Box 94183, Baton Rouge, LA, 70804.

Robert J. Keaton  
Director

**POTPOURRI**

**Department of Social Services  
Office of Community Services**

**Family Preservation and Support Program**

This is to notify the public that the Office of Community Services, Department of Social Services, is developing a five-year plan to be used to implement the Family Preservation and Family Support Program in accordance with Title IV-B of the Social Security Act, Subpart 2, Family Preservation and Support Service; Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66); 45 CFR Part 92. The implementation process is outlined in the Program Instruction issued by the U.S. Department of Health and Human Services, Administration for Children and Families on January 18, 1994.

This program aims to promote family strength and stability, enhance parental functioning and protect children through funding of a capped entitlement to states to provide family support and family preservation services, which the law defines broadly. The ultimate goal is to make a difference for children and families in their communities, so that children can be safe and families productive.

Services should be directed towards:

1. enhancing parents' ability to create stable and nurturing home environments that promote healthy child development;
2. assisting children and families to resolve crises, connect with necessary and appropriate services, and remain safely together in their home; and
3. avoiding unnecessary out-of-home placement of children, and helping children already in out-of-home care to be returned to and be maintained with their families or in another planned, permanent living arrangement.

In addition to providing funds for expanding services, the new program offers an extraordinary opportunity to assess and make changes in state and local service delivery in child welfare. The purpose of these changes is to achieve improved well-being for vulnerable children and their families, particularly those experiencing or at risk for abuse and neglect. Because the multiple needs of these vulnerable children and families cannot be addressed adequately through categorical program and fragmented service delivery systems, OCS plans to use this new program as a catalyst for establishing a continuum of coordinated and integrated culturally relevant, family-focused services for children and families.

Among the elements that would ideally be part of the continuum, depending on family needs, are family support and

family preservation services; child welfare services, including child abuse and neglect preventive and treatment services and foster care; services to support reunification adoption, kinship care, independent living, or other permanent living arrangements; and linkages to services that meet other needs, such as housing, employment, and health.

A major goal of the planning process will be to examine the changes that are needed to make delivery of services more responsive to the needs of individuals and communities and more sensitive to the context in which they are to be delivered. OCS wants to take this opportunity to move the child welfare service system in these directions, leading to a more coordinated, flexible system built on and linked to existing community services and supports, and able to serve children and their families in a more effective way.

There is a widespread consensus in the child and family policy community that these new dollars, although relatively small, can best be used strategically and creatively to stimulate and encourage broader system reform.

In order to prepare this plan, OCS will engage in a comprehensive planning process for the development of a meaningful and responsive family support and family preservation strategy. The scope of the plan will go beyond child welfare to include housing, mental health, primary health, education, juvenile justice, community-based programs providing family support and family preservation services, and other social programs that serve children and their families in the state and its communities. We will be asking for input from consumers, practitioners, researchers, foundations, mayors and legislators. Federal regional staff will also serve as partners in planning.

#### **Five-Year Plan**

The five-year plan will be the vehicle to articulate our vision and strategy for achieving that vision, set goals and measure progress towards those goals, and identify practical next steps toward a more comprehensive and integrated continuum of services that responds to the needs of vulnerable families. The final federal regulations on the five-year plan are expected to be released this summer. The plan shall be submitted to the ACF by June, 1995.

#### **First Year**

The first year of the five-year plan will be used for a strategic planning process that will include parents, consumers, advocates, Indian tribes, court and community representatives and a variety of state, local, and nonprofit and community-based organizations having experience with services to families and children. The planning process is a critical first step which offers an opportunity to strengthen, reform, and better coordinate and integrate our service delivery system. OCS will also work with other statutory-based planning efforts, such as CASSP, Children's Cabinet, and Children's Trust Fund to build on existing planning efforts.

The planning process will be used to develop and maintain data about the needs, resources, capacities, and program impact that will strengthen service delivery for children and families for the next five years.

Part of the planning process will include assembling and analyzing the following types of data to help us establish and monitor progress toward achieving our goals:

1. baseline and trend data on children's general well-being can target areas of greatest need;

2. inventories of current family support, family preservation, and other family-based programs, so that planning and new expenditures can build on existing resources;

3. baseline and trend data on our use of out-of-home care (rate of entries, length of stay, etc.) in order to estimate the impact of the proposed new services on families at risk of, or experiencing, and removal of a child from their home;

4. baseline and trend data about current expenditures for child and family services, identifying the distribution of resources among preventive services, early intervention, crisis-oriented services and out-of-home care.

The data that is collected will also be used to identify specific communities, populations, priorities and processes that would be appropriate targets for additional services and enhanced service delivery.

OCS will be releasing a Request for Proposals (RFP) for development of the long range plan. During the first year of federal funding, the contractor will work with OCS and the Children's Cabinet to develop the Children's Cabinet's Plan with the five-year plan as a separate but integrated part of the plan. Some of the contractor's functions will include collecting and analyzing all necessary data, assembling and reviewing other agencies' strategic plans, ensuring inclusion of required persons and agencies in the planning process, ensuring that OCS conforms to all of the federal program instructions, and development and implementation of the Louisiana Children's Cabinet Plan with federally mandated Family Support and Family Preservation plan as part of the larger Louisiana plan with the emphasis on building on existing services, data, and planning efforts. A critical component of the program plan will be a comprehensive financing component that takes into consideration the existing Louisiana revenue structure for children's services and specifies the revisions and administrative support required to implement the financing plan.

Inquiries and comments may be submitted to Brenda L. Kelley, Assistant Secretary, Office of Community Services, Box 3318, Baton Rouge, LA 70821.

Gloria Bryant-Banks  
Secretary

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